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No. 861

IN THE

Supreme Court of the United States

OCTOBER TERM, 1962.

HARRISON-HALSTED COMMUNITY GROUP, INC., et al.,

Petitioners,

vs.

HOUSING AND HOME FINANCE AGENCY, et al.,

Respondents.

APPENDICIES TO PETITION FOR WRIT OF CERTIORARI.

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APPENDIX A.

Opinion of the Court of Appeals for the Seventh Circuit, rendered November 28, 1962.

(Caption Omitted)

Before DUFFY, SWYGERT and MAJOR, *Circuit Judges.*

DUFFY, *Circuit Judge.* Plaintiffs brought this suit seeking a declaratory judgment and an injunction to prevent defendant Governmental Agencies from proceedings with plans to acquire and clear, under an urban renewal program, an area on the near west side of Chicago, for the use of the University of Illinois. The University desires to use the property as a campus for the University of Illinois—Chicago.

The District Court dismissed, before trial, both the original complaint and the amended complaint. Errors alleged by appellants are the District Court's interpretation of the jurisdictional statutes; its interpretation of the Federal Housing Act; and its interpretation of the allegations of the amended complaint.

All parties to this suit have cooperated in expediting this appeal. By order of this Court, the time for filing briefs was advanced. In spite of the shortened periods, the points at issue were thoroughly covered. Appellants filed a 139 page main brief and a 20 page reply brief. Appellees filed a 75 page brief. The HHFA and the Housing and Finance Administrator also filed a brief. The time for hearing oral argument was likewise advanced so that such argument was held slightly more than four months after the entry of the order of dismissal in the District Court.

This action involves an area of the City of Chicago sometimes called the "Near West Side Neighborhood" which, for the purposes of this case, is divided into four parts. The *Harrison-Halsted Tract* is a square area of some 55.5 acres in the northeast corner of the Neighbor-

hood. Immediately south of it is the *Roosevelt-Blue Island Tract,* occupying some 48.7 acres. Along the north edge of the Neighborhood stretches the *Congress-Racine Tract,* an irregular shaped area one mile in length, averaging 1/10 of a mile in width, and comprising some 59.4 acres. The rest of the Neighborhood is occupied by the *Near West Side Conservation Area.* This Conservation Area originally extended as far north as the Congress Expressway, but in February 1961, its northern quarter was separated and re-designated as the *Congress-Racine Tract.*

Plaintiffs herein include Harrison-Halsted Community Group, Inc., an Illinois not-for-profit corporation. Plaintiffs' brief asserts Harrison-Halsted Community Group, Inc. is the designated representative of all of the individual plaintiffs in protecting their interests and particularly in bringing and prosecuting this action.

There are also 282 individual plaintiffs of whom 104 own property in the areas hereinbefore described. Other plaintiffs own businesses, and 144 of the plaintiffs reside within the area. Other individual plaintiffs named do not belong to any of the foregoing categories, but are listed as parties plaintiff because of their alleged reliance upon past promises and representations of certain of the defendants.

The defendants are all governmental agencies involved in the challenged urban renewal projects. Listed are the federal Housing and Home Finance Agency (HHFA), and its administrator, Robert C. Weaver. Also listed is the Chicago Land Clearance Commission which, until recently, was the agency of the City of Chicago charged with carrying on slum clearance projects in that city.[1] Another defendant is the City of Chicago together with two of its agencies, 1) the Chicago Community Conservation Board[2] and 2) the Chicago Plan Commission.

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[1] On July 25, 1962, the Land Clearance Commission was merged into the City of Chicago's Department of Urban Renewal.

[2] Until this Board merged on January 1, 1962, into the City's Department of Urban Renewal, it was charged with the duty of carrying out community conservation projects in the City of Chicago.

Still another defendant is the Illinois State Housing Board, a state agency charged with approving all urban renewal projects, both clearance and conservation. The final defendant is the University of Illinois for whose benefit the project areas in question are sought to be acquired.

The Near West Side Neighborhood is one of the oldest residential areas in Chicago. Many families have lived there for more than a generation. Residents and property owners in the area realized that portions thereof had deteriorated and were in need of renewal. A Near West Side Planning Board was formed. This was a voluntary civic organization sponsored by Hull House. At least, in part, due to the activities of this Planning Board, the Harrison-Halsted Tract was designated as a slum and blighted area in September 1956. On January 16, 1958, the Land Clearance Commission adopted the Harrison-Halsted Redevelopment Plan which called for the clearance of most of the Tract, and its development as a residential area for moderate income families. The Redevelopment Plan was approved by the City, the State Housing Board and the HHFA. On May 16, 1958, HHFA entered into a loan-and-grant contract with the Land Clearance Commission for the carrying out of the project. By mid-1960, much of the Tract had been cleared.

In May 1956, most of the balance of the Neighborhood, or that part west of the west line of the Harrison-Halsted Tract (with the exception of Jane Addams Homes) was designated as a conservation area to be redeveloped by rehabilitation and spot clearance.

Plaintiffs claim that following the adoption of the Harrison-Halsted Redevelopment Plan, numerous persons including some of the plaintiffs, began acting in reliance thereon. Residents of the Harrison-Halsted Tract and owners of businesses therein, relocated in adjacent areas with the expectation of returning after Harrison-Halsted

had been redeveloped. Plaintiffs claim that property owners refrained from raising objections which they might otherwise have done. Also, that a new parish school, replacing one that had been destroyed for being in the path of the South Expressway, was built in the heart of the Harrison-Halsted Tract upon assurance by City and Land Clearance Commission officials that it would fit in with the redevelopment plan for the area. This school was completed in 1959, but if the plans here challenged are executed, this school building will be demolished. Some of the plaintiffs contributed to the building of the school.

For some years, the University of Illinois had been seeking a location for a new campus to replace its present facilities at Navy Pier.[3] When asked on oral argument why the University itself did not proceed to acquire land by condemnation, counsel answered that the University was unable financially to meet the expense that would be involved by such a procedure. It is without dispute that the proposed land acquisition is being financed in material measure by the grant of federal subsidy funds under the Federal Housing Act of 1949.

Apparently, some time in 1960, the City began to consider the possibility of using the Harrison-Halsted Tract, by then largely cleared, as a nucleus of a university site. Plaintiffs claim this consideration was kept a high-level secret, that no member of the Near West Side community was consulted, and that public officials concerned continued to reiterate their promises of a residential redevelopment as originally planned.

On February 10, 1961, the Mayor of Chicago announced to the press that he had reached an agreement with the University Trustees on a site for a campus. The so-called railroad terminal site was abandoned. Instead, the campus was to occupy the Harrison-Halsted Tract and two

[3] The Illinois General Assembly has expressly authorized the Board of Trustees to establish a Chicago branch of the University (Ill. Rev. Stat. (1961) Ch. 144 § 40 a.)

adjacent areas needed to provide the acreage[4] which the University desired.

Plaintiffs claim the Land Clearance Commission hurriedly surveyed the adjacent Roosevelt-Blue Island and Congress-Racine Tracts. On March 29, 1961, the Land Clearance Commission adopted a series of five resolutions, designating the Roosevelt-Blue Island and Congress-Racine Tracts as slum and blighted areas, and revised its earlier Harrison-Halsted Redevelopment Plan to provide that the entire area (except 3 acres along Morgan Street) should be turned over to the University, and adopting redevelopment plans calling for all of the Roosevelt-Blue Island and about half of the Congress-Racine Tracts to be turned over to the University. The rest of the Congress-Racine Tract and the three acres on Morgan, were designated for University-oriented private housing.

The Land Clearance Commission held no hearings on its resolutions. Following the approval of these resolutions, the Planning and Housing Committee of the Chicago City Council held a hearing on them on April 13, 1961. Objectors were permitted to appear and make statements, but were not permitted to subpoena witnesses or documents, or cross-examine City and Land Clearance officials.

The Chicago City Council adopted ordinances approving the University site project plans of May 22, 1961. The State Housing Board thereafter announced it would hold hearings of its own on the designations of Roosevelt-Blue Island and Congress-Racine Tracts. The Board agreed, upon demand of plaintiffs herein, to allow them to produce witnesses and to cross-examine the witnesses for the City and the Land Clearance Commission.

The hearing by the State Housing Board convened on July 21, 1961. On July 27, after less than two days of testimony and before objectors had an opportunity to present their own evidence, the Board abruptly terminated the hearing. Objectors (plaintiffs herein) petitioned

[4] About 105 acres.

for a rehearing, but the Board announced its approval of the University site project plans and forwarded them to the HHFA for final approval.

The objectors filed briefs with HHFA in an effort to show why the project plans should not be approved, but HHFA and its Administrator held no hearings on these plans. However, on March 21, 1962, the Administrator announced to the press that he had approved the projects and had entered into loan-and-grant contracts.

Certain additional allegations of the complaint will be mentioned. Plaintiffs say that currently there resides in the Harrison-Halsted, Roosevelt-Blue Island and Congress-Racine Tracts, members of two minority groups, Negroes and Mexicans, against whom there is, at the present time, in Chicago, extensive discrimination in housing. That the University site project will force these people out of the area. This loss in minority group housing is not being replaced elsewhere in the community.

Plaintiffs allege that part of the Near West Side Conservation Area which was later designated as the Congress-Racine Tract, constitutes the least deteriorated portion of the Near West Side Conservation Area; that a substantial portion of said Tract is occupied by modern light industrial structures, while most of the remaining part is occupied by perfectly sound residential structures. The plaintiffs complain that the Land Clearance Commission never explained why the earlier determination of the Community Conservation Board that this area was not slum and blighted was incorrect and should be reversed. Plaintiffs allege that neither the Roosevelt-Blue Island nor the Congress-Racine Tract is, in fact, a slum and blighted area, and that the designation as such by defendants greatly reduced the market value of properties located in such Tracts.

Plaintiffs assert the District Court had jurisdiction of this suit on two grounds: 1) federal question jurisdiction under 28 U. S. C. § 1331, and 2) the jurisdiction to review federal agency action under Section 10 of the Administrative Procedure Act.

Plaintiffs argue the amended complaint sets forth in sufficient detail, facts showing the violation by defendants of a series of provisions of the federal Housing Act and the regulations and directives of the Housing and Home Finance Agency (HHFA); also, that the amended complaint adequately alleges plaintiffs are being deprived of their property by defendant governmental agencies without due process of law and without just compensation.

Plaintiffs urge the action of the Housing and Home Finance Administrator, in approving the three project applications at issue, was erroneous and that his action in executing contracts with the Chicago Land Clearance Commission was a final and reviewable agency action. Plaintiffs assert they have standing to raise the foregoing questions of federal law.

On April 17, 1962, the Land Clearance Commission filed its first condemnation suit pertaining to property with which we are here concerned. Three days thereafter, the instant suit was filed.

It is understandable that many of the plaintiffs and others similarly situated feel that there has been a breach of faith by various public officials by reason of the abrupt change in plans from a typically urban renewal plan to the campus project now proposed. The members of the church who saw their school demolished to make way for an expressway, and who built a new school (finished in 1959) on a site selected only after consultation with representatives of some of the defendant governmental agencies, must indeed experience a sense of frustration. To the ears of the plaintiffs, there is a hollow ring to the claim that the campus project is a mere modification of the original development plan when it is considered the campus project involves about three times as much area as the original plan.

Nevertheless, and in spite of the outraged feelings of many people who have interests in this area, we have in mind that questions arising from the taking of property by condemnation for state purposes, are ordinarily mat-

ters for determination by the state courts. The plaintiffs in this case have sought relief in a federal court. Whether they may properly do so depends principally on whether they have a standing to sue and whether a substantial federal question is involved.

We think it is well settled that in a private suit in a federal court, where it is claimed that a substantial federal question is involved, it must clearly appear that defendant's acts constituted the invasion of plaintiffs' private legal rights. *Frothingham* v. *Mellon, Secretary of the Treasury, et al.*, 262 U. S. 447. In the *Frothingham* case, a taxpayer brought a suit to enjoin expenditure of federal funds under a federal subsidy statute. The Court said, page 488: ". . . The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of the enforcement, and not merely that he suffers in some indefinite way in common with people generally."

The federal Housing Act of 1949 is a subsidy statute which provides for federal grants of aid to local governmental units. Both Senate and House Committee reports stated ". . . that every project assisted be a local undertaking, locally planned, locally approved, locally managed and designed to serve local needs." (Senate Report No. 84, 81st Cong., 1st Sess., p. 37.) It is obvious that none of the plaintiffs is or was a party to the subsidy contract.

When a subsidy application is approved by the Administrator of the HHFA, contracts are entered into by the Agency and the local governmental body, here, the Chicago Land Clearance Commission. Congress did provide certain standards to guide the Administrator in the exercise of his discretion. But, such provisions and regulations thereunder do not confer legal rights upon plaintiffs, as individuals, separate from their position as members of the general public.

The Housing Act of 1949 contains no provision for a hearing before the HHFA. It contains no provision for

a judicial review. Very recently, we held the Federal Communications Act of 1934, as amended, which contains no provision for a judicial review, barred the bringing of a private cause of action to recover damages for a violation of that Act. *Lar Daly* v. *Columbia Broadcasting System* (No. 13667), 309 F.2d 83.

Plaintiffs argue that although the Housing Act says nothing about a judicial review, Section 10 of the Administrative Procedure Act (5 U. S. C. § 1009) does so provide.

Section 10(a) of the Act (5 U. S. C. § 1009) (a) provides: "Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof." Subsection (c) refers to ". . . [A]nd every final agency action for which there is no other adequate remedy in any court, shall be subject to judicial review."

Plaintiffs, in effect, argue that Section 10(a) and (c) confers standing upon any one who suffers economic injury as a result of agency action regardless of whether that person's private legal rights are violated. We do not think that this is a permissible interpretation.

The proper interpretation of Section 10 appears in *Kansas City Power and Light Company et al.* v. *McKay*, DC Cir., 225 F. 2d 924. The Court there held that certain electrical utilities did not have standing to attack the validity of a federally operated power program. The Court said, at page 932: "Section 10(a) is for the benefit of 'any person suffering legal wrong', that is, one whose legal rights have been violated. As we have seen, these plaintiffs cannot effectively make such a claim. Nor are we confronted with any relevant statute within the meaning of which the plaintiffs are 'adversely affected or aggrieved.' Plaintiffs-appellants cite and rely on the view expressed in *American President Lines* v. *Federal Maritime Board*, D. C. D. C. 1953, 112 F. Supp. 346, at page 349, which would in effect delete from Section 10(a) the

phrase 'within the meaning of any relevant statute'. That view cannot, of course, be accepted."

This interpretation of Section 10 was followed in two cases involving unsuccessful attempts to review administrative action under the Housing Act of 1949. *Taft Hotel Corporation* v. *Housing & Home Finance Agency, et al.*, D. C. Conn., 162 F. Supp. 538, aff'd 2 Cir., 262 F. 2d 307; *Gart, et al.* v. *Cole, et al.*, S. D. N. Y., 166 F. Supp. 129, aff'd 2 Cir., 263 F. 2d 244.

Other courts, without specific discussion of the Administrative Procedure Act, have dismissed complaints on the ground the plaintiffs had shown no injury to their private rights. *Allied-City Wide Inc., et al.* v. *Cole*, 230 F. 2d 827; *Pittsburgh Hotels Association, Inc.* v. *Urban Redevelopment Authority of Pittsburgh*, W. D. Pa., 202 F. Supp. 486. Each of these decisions concerned the Housing Act of 1949.

We hold plaintiffs herein do not have a right of judicial review of the Agency action herein, pursuant to Section 10 of the Administrative Procedure Act.

Plaintiffs had no objection, in fact, they favored the original slum clearance program. They voiced vigorous objections, however, when the proposed plan for redevelopment of the area was changed from residential and commercial uses to the University of Illinois—Chicago campus project. They argued that their interests and the interests of the community would be better served were the area to be redeveloped for residential and commercial use.

The use to which plaintiffs desired the land to be put is undeniably a lawful public use. But, using the area acquired as a site for the Chicago branch of the University of Illinois is likewise a lawful public use. Courts have consistently denied the standing of citizens to challenge the choice made by public authorities between different and competing public uses. The legislature, through its lawfully created agencies, rather than "interested" citizens, is the guardian of the public needs to be served by

social legislation. *Koehler* v. *Century of Progress*, 354 Ill. 347; *Carstens* v. *City of Wood River*, 344 Ill. 319; and *McPike* v. *Illinois Terminal Railroad Company*, 305 Ill. 298.

Perhaps the leading case on this point is *Berman et al.* v. *Parker et al.*, 348 U. S. 26. In a District of Columbia slum clearance program, plaintiffs were the owners of a department store in the area affected. Plaintiffs claimed their property was in good condition and should not be designated as slum property. Objection was further made that it was planned to put this store in a project under the management of a private agency, and the area was to be redeveloped for private, not public use. Plaintiffs argued their property was being taken from them in violation of two mandates of the Fifth Amendment, to-wit: due process and "nor shall private property be taken for public use without just compensation."

The Supreme Court said, page 33: "We do not sit to determine whether a particular housing project is or is not desirable." Also, "If those who govern the District of Columbia decide that the Nation's Capitol should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way."

As to the role of the judiciary in such case, the Court said, page 32: "In such cases the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation, whether it be Congress legislating concerning the District of Columbia . . . or the States legislating concerning local affairs . . . This principle admits of no exception merely because the power of eminent domain is involved. The role of the judiciary in determining whether that power is being exercised for a public purpose is an extremely narrow one."

In the instant case, the means chosen by the local authorities are a sale of a substantial portion of the area to the University of Illinois for redevelopment as a university campus, and the employment of private enterprise for redevelopment of the balance for residential use.

There can be no doubt that these are proper public purposes and uses.

Pertinent also is the case of *Zurn* v. *City of Chicago*, 389 Ill. 114. There the Court rejected an attack on the constitutionality of the Illinois Neighborhood Redevelopment Corporation law, a statute quite similar to the Blighted Areas Redevelopment Act. The Illinois Supreme Court said, at page 129: ". . . When such areas have been reclaimed and the redevelopment achieved, the public purpose has been fully accomplished . . . The achievement of the redevelopment of slum and blight areas, as defined in the act, in our opinion constitutes a public use and a public purpose, regardless of the use which may be made of the property after the redevelopment has been achieved." See also, *Chicago Land Clearance Commission* v. *White*, 411 Ill. 310 and *Ross* v. *Chicago Land Clearance Commission*, 413 Ill. 377.

On the basis of these and other authorities none of the plaintiffs have any private legal or vested interest in the type of public use redevelopment to be conducted in the area after the land has been acquired and the slums have been cleared. We so hold.

Plaintiffs argue the pending condemnation suits in the Illinois state court do not offer to them an adequate forum for the vindication of their rights. One reason presented is that a state court has no jurisdiction of the Housing and Home Finance Agency.

In this connection, we consider the motion of HHFA for dismissal of the suit against it on the ground that it is a nonsuable agency of the United States. We think this view is sound. This agency is an agency of the executive branch of the United States government. In *New Haven Public Schools* v. *General Services Administration*, 7 Cir., 214 F. 2d 592, this Court stated, at page 593: "It is admitted that the two defendants [General Services Administration and Public Housing Administration] dismissed by the District Court are agencies of the executive branch of the United States government. In other words, they

are administrative departments of the government. It has long been established that such agencies are not truly juridical persons but are strictly representatives of the government, who may not be sued in evasion of sovereign immunity."

We have no right or justification to speculate that the state courts of Illinois will not protect any rights the plaintiffs may have. The United States Supreme Court and other federal courts have repeatedly refused to entertain suits in which plaintiffs' personal or private legal rights have not been infringed and could be infringed only by an improper judgment in a condemnation proceeding. *Georgia* v. *Chattanooga*, 264 U. S. 472, 483-4; *Amalgamated Clothing Workers of America, et al.* v. *Richmond Brothers Co.*, 348 U. S. 511, 518-9; *Southern California Petroleum Corporation* v. *Harper*, 5 Cir., 273 F. 2d 715.

In *Shapiro* v. *Chicago Land Clearance Commission*, 19 Ill. App. 2d 461, it was stated at pages 464-5: "The decision of the Commission was merely one of the steps prerequisite to the exercise of the power of eminent domain (*Zurn* v. *City of Chicago*, 389 Ill. 144, 133), in the event of which plaintiffs will have an opportunity to be heard 'on each alleged infringement of their rights' . . ."

Plaintiffs have urged additional reasons why they are entitled to relief in a federal court action. We have considered same and hold them to be without merit.

Defendants likewise suggested additional defenses, but in view of our holdings hereinbefore indicated, we shall not discuss them.

Insofar as a legal controversy is presented, it properly belongs in the Illinois State Courts.

As plaintiffs have failed to establish any standing to sue in this federal court action, and have failed to raise a substantial federal question, the decision of the District Court, dismissing the amended complaint, must be and is

AFFIRMED.

APPENDIX B.

Judgment of the Court of Appeals, entered November 28, 1962.

(Caption omitted)

This cause came on to be heard on the transcript of the record from the United States District Court for the Northern District of Illinois, Eastern Division, and was argued by counsel.

On consideration whereof, it is ordered and adjudged by this Court that the decision of the said District Court dismissing the amended complaint, in this cause appealed from be, and the same is hereby, AFFIRMED, in accordance with the opinion of this Court filed this day.

APPENDIX C.

Memorandum Opinion and Order of the District Court Dismissing the Amended Complaint, entered June 11, 1962.

(Caption omitted)

Preliminary Statement

Before I announce my decision in this matter, let me say to the side of the record in this cause—for it is unnecessary to explain my decision—that this case presents two thoughts basic and fundamental to our Democratic way of life—in serious conflict.

On the one hand, is the movement forward of a great people, in a great city, in the greatest nation on earth. And this movement forward bespeaks the superiority of our concept of our governmental organization over an opposing ideology. It bespeaks the superiority of our technological know-how. It reflects progress on the level of community living at a time when, within a generation, we will be subscribing for commercial flights to the moon. It is the thought of technological progress in urban planning. We can't hold back the ages. We can't stop the wheels of sociological advancement in their track without bringing about the ultimate collapse of civilization. A Giant and Growing City must continually revise itself—must continually wash away its deterioration—must continually replace its worn out garments with new and even more functional ones. What today may be a moment of rest—a treasure reflective of a great past effort—may within the century have to give away to a Moon Port—or a quarter-mile-wide highway to accommodate airborne private vehicles.

In this posture of things, vested interests reflecting past detriments may have to become less immobile and more transitory. Vested interests may have to be more and more impressed with the public's interest.

On the other hand, we have opposing this thought in this case, another concept basic and fundamental to our Democratic way of life. It is that all values in our political organization (even though they be established by technological advance) are worthless if there is lost to all of us collectively—and to each of us individually—any one of those foundation principles upon which our Democratic way of life is built. We often refer to them as Civil Liberties, but whatever the reference, they constitute the guarantee that collectively we shall not become a tyranny against ourselves individually. They certain include the right to fair play from the Government. They include due process of the law. They include the right against being enslaved by others and by our Government. They include the right not to be governed by a government that plays the ignoble part. They certainly include the right not to have our property taken from us without due process of law. And due process of law means that wherever it is necessary that government take our property, government take it only for a use that is public, and that in exchange for it government give us, not more, but never less than its true worth in dollars and cents.

As technological progress may demand more and more a mobile vested interest of the individual—perhaps commensurately, technological progress may have to become proportionally more and more sensitive to this fundamental principle.

These two great thoughts are at issue in this case.

The tragedy to me is—that however I find in this matter—I still will not be able to attend this serious conflict, for to do so would be to deal in philosophy and political theory, and not in law. Under no circumstances may my ruling here reflect my thinking on this conflict of concepts, for at law I can decide only the bland, cold technical matter of whether in the posture of things, the United States District Court may take jurisdiction where the Circuit Court of Cook County is empowered to consider in its condemnation proceedings all of the complaints of these fine citizens. I cannot presume that the Circuit Court will not consider their complaints fairly and without fear or favor.

DECISION

This matter comes on for ruling on defendants' motions to dismiss—plaintiffs having been given leave to file an amended complaint.

The motions to dismiss are based upon the same grounds as were advanced in the motions to dismiss heretofore filed as to the original complaint and allowed, subject to leave granted the plaintiffs to plead over.

One new ground is asserted among the defendants' motions. The Housing and Home Finance Agency moves further to dismiss the amended complaint as to it in that the Court lacks jurisdiction over the person of the Housing and Home Finance Agency as this agency is a non-suable agency of the United States.

Plaintiffs now allege themselves to be a spurious class of several classes—which said sub-classes are true classes. I find this form of pleading not offensive to Rule 23 of the Federal Rule of Criminal Procedure. However, considering the alleged sub-classes in the light of the allega-

tions of the complaint, I find certain of them, for the reasons heretofore advanced in my Decision of May 21, 1962, not to have a standing before this Court because they lack sufficient ascertainable interest upon which to base a claim which, even joined by others, would aggregate in amount the minimum jurisdictional amount of $10,000.

As stated in *Frothingham* v. *Mellon,* 262 U.S. 447, at 487:

> "(Where an interest) is shared with millions of others, (it) is comparatively minute and indeterminable * * * (and) so remote, fluctuating and uncertain, that no basis is afforded for an appeal to the preventive powers of a court of equity."

To the same effect are a host of other decisions, some of which were listed in my last opinion.

As to the following sub-classes, I find an ascertainable interest that may justify their presence here: B—2a, B—2b, B—2c, B—3a, B—3b, B—3c, B—4a, B—4b, B—4c, B—5, B—7, and B—8. To determine whether these plaintiffs may remain here, it is necessary that we review, count by count, the Amended Complaint in an effort to locate a substantial question of Federal Law. There are nine counts.

Count I charges that the Administrator of the Home and Housing Finance Agency did not have the authority to approve a modification of the original redevelopment plan, when such modification completely changed the proposed redevelopment use of the tract. Count II alleges that this modified plan could not comport with an overall or general municipal development plan, as required by the Federal Act, because the City of Chicago has no general plan. Both of these issues were considered fully in my opinion of May 21, 1962. Full consideration of them

reveals no basis upon which I could now say that either of them raises a substantial Federal question.

Count III as re-alleged here causes some pause. It is that no feasible program of re-location exists which meets the standards set out in 42 USCA 1455(c). This charge does reach an area which would affect the definite interests of the plaintiffs. The City has a program and an agency for carrying it out, but the assertion that its implementation does not meet the standards of the statute is not sufficiently followed through in pleadings to justify jurisdiction here. An analysis of Exhibit F-1, attached to the amended complaint, provides no aid to plaintiffs' charge; and Exhibit F-2 relates to re-location in another urban renewal program, and not to the re-location administered in this area. Further, there is no circumstance presented which shows a futility in seeking relief from this alleged situation, in the condemnation proceedings in the Circuit Court of Cook County.

Count IV presents a new issue. It is that the re-location program will violate Chapter 10-1 of the HHFA Manual, in that Negroes and Mexicans will be moved into already segregated neighborhoods, rather than into unsegregated areas. In addition, the leaders of these ethnic groups were not consulted by any of the agencies in developing this re-development program. I find this general allegation supported only by speculation. We cannot presume that the manual will not be followed. We cannot presume, without more, a bond on the part of the City's administration toward preserving a traditional pattern of segregation in the City. Further, I find that the provisions of the manual are not on the level of binding law. They are advices to the HHFA people and the agencies that work with them. Nor would this particular provision of the

manual be presumed to have the status of law, for it proposes determinations of which the Government must be assumed incapable of making as a matter of law. Such a term, for example, as "leaders of ethnic groups" defies legal definition, and would render even a statute using it unconstitutional.

The issues raised by Counts V and VI are the same as they were in the original complaint. Although they are here more eloquently urged, and are supported by documentation, I find in them no new basis for asserting a substantial Federal question, and the position of the Court as to these issues must be the same.

Similarly, the allegations of Counts VII, VIII and IX are the same issues as were raised in the original complaint, and the Court's position regarding them is unchanged. One point in Count IX, however, is new and impressive. In addition to the complaint that "good will" under Illinois law cannot be considered in determining the "fair market value" in condemnations, the additional charge is made that speedy property deterioration begins upon the announcement of a contemplated taking, and where condemnation values, as traditionally in Chicago, are determined as of the date of the filing of a condemnation proceeding, just compensation will not be allowed. In addition, plaintiffs charge, this type of valuation permits spot taking for the express purpose of forcing speedy depreciation of originally valuable properties before efforts are begun to condemn them. If this situation were true, the conduct of the City would be reprehensible, and in some manner the plaintiffs affected by it should somewhere find relief. These matters, however, can be litigated by the plaintiffs in their condemnation proceedings, and after the filing of the first condemnation petition with

relation to an authorized re-development program, none of the plaintiffs need await a delayed action by the condemning agency.

In conclusion, I reaffirm the position I took on May 21, 1962, with relation to this Amended Complaint. Jurisdiction need not await a so-called exhaustion of state court remedies, but the jurisdiction of the United States District Court will not be exercised where, considering all the circumstances, including the availability of local courts to decide Federal questions, no *substantial* Federal question is presented.

For these reasons and for those heretofore announced in my opinion of May 21, 1962, I find no basis for jurisdiction in this matter. Accordingly, the motions of the defendants to dismiss the Amended Complaint are allowed, and it is ordered that plaintiffs' Amended Complaint and this action are dismissed, all parties to bear their costs.

Enter:

/s/ James B. Parsons
United States District Judge

Date: June 11, 1962

APPENDIX D.

Memorandum Opinion and Order of the District Court Dismissing the Original Complaint, entered May 21, 1962.

(Caption omitted)

This matter arises out of the plans of the City of Chicago and the University of Illinois to use joint federal-state slum clearance and urban renewal programs to obtain a site on the near west side of Chicago for a Chicago campus of the University.

There is an area in Chicago, the boundaries of which roughly may be described as Congress Street on the North, Union Street on the East, Roosevelt Road on the South and Ashland Avenue on the West, which has been populated principally by people of the same or similar ethnic origin. To some extent they have been a sort of community unto themselves, developing "a complex of internal inter-relationships and inter-dependencies". It has been a neighborhood of relatively low income persons exhibiting and generating a strong sense of identity and self awareness. For example, they were aware that the structures in the neighborhood were deteriorating, and that the neighborhood was in need of physical improvement and redevelopment.

Back in 1947, under the leadership of Hull House, a volunteer social welfare institution located in the area, residents of the area established what they called a Near West Side Planning Board. The purpose of this volunteer group was to guide property owners in the neighborhood in a voluntary program of property rehabilitation. It became an active organization, and later sought the interest

of the city government in an official rehabilitation of the community. In overcoming the fears of some of the residents about official rehabilitation under the city government, this planning board assured the residents that the social, ethnic and residential character of the neighborhood would be preserved.

There has been in Chicago since 1946, a general plan for the development of the city, and prior to 1956, this plan included a redevelopment project called the Harrison-Halsted Project, relating to part of this near west side neighborhood. In May of 1956, the Chicago Community Conservation Board, acting under the Illinois Urban Community Conservation Act, designated much of the rest of the area as a Conservation Area, *i.e.*, an area in danger of becoming slum and blighted if a conservation program were not undertaken. In 1960, the Conservation Board approved a plan of conservation for the area. In the meantime, the Harrison-Halsted Project had been approved by the city, the state, and the Federal Housing and Home Finance Agency, and the Chicago Land Clearance Commission had begun acquiring property in the tract by negotiation and condemnation.

During 1960 and early 1961, negotiations were in progress between the City of Chicago and the University of Illinois for a site for the University's proposed Chicago campus. Eventually it was determined that a feasible site would include the tract of the Harrison-Halsted Project and two other tracts in the same neighborhood called the Roosevelt-Blue Island tract and the Congress-Racine tract. Obviously, this meant going beyond the redevelopment of the Harrison-Halsted tract. It meant redeveloping two additional tracts in the area, and, instead of redesigning all three tracts into modern housing and business prop-

erties for the same or similar people of the area, turning almost all of them over to the University of Illinois, an outsider who did not share the common or similar ethnic characterizations of the people of the community. It meant displacing permanently some of the people and businesses of the neighborhood. Apparently, some of the residents of the area resented this change in planning and use.

Public hearings of a type were held on the proposal by the Committee on Planning and Housing of the City Council of the City of Chicago in April, 1961. Subsequently, all city, state and federal agencies involved approved, and on April 17, 1962, the Chicago Land Clearance Commission filed its first condemnation case in the Circuit Court of Cook County to acquire parcels pursuant to this program. Three days later, the plaintiffs, persons claming to represent the residents of this neighborhood, filed this suit in this Court. They asked (1) for a declaration that this latest program is unlawful and void; (2) for temporary and permanent injunctions against the officers of the various governmental agencies working with the project; and (3) for a stay of proceedings in any other court considering the same issues presented here. Plaintiffs thereafter did not come in to request any emergency relief, and nothing happened in the case until May 15, 1962, when the City of Chicago was joined by the other defendants, with notice to the plaintiffs, to move that a three-judge court be convoked to adjudicate whether the conduct of the defendants violates the constitutional rights of the plaintiffs. They also moved, presumably in the alternative, that the plaintiffs' case be dismissed on jurisdictional grounds.

Who the parties are before me is an important matter. The defendants are obvious on the format of the complaint.

They are the City of Chicago and its several planning and developing agencies, the Chicago Plan Commission, the City Community Conservation Board, and the City Land Clearance Commission. They also are the Illinois State Housing Board and the Board of Trustees of the State's University. They also are the Federal Housing Agency and its National Administrator.

Who the plaintiffs are requires some analysis. First, they are a group of people who have organized and filed as a Corporation under the Illinois not-for-profit corporation provisions. In addition, they are some 267 individuals interested for various reasons in what is going on in the neighborhood. All of the plaintiffs sue as a single class, on behalf of themselves and others like situated. Of the 267 individuals, 84 are residents (they do not claim to be property owners), who say that they helped to maintain and develop the neighborhood. Four of them are former owners of property in the area. Ten are businessmen who had formerly owned businesses in this area. Ten are residents, not property owners, who live in structures they claim are to be cleared away in this redevelopment program. Six are property owners whose structures already have been condemned. Eleven are residents (not property owners) who were moved to other parts of the area when the properties in which they lived were condemned under the original plan of 1956, and who now find themselves located in the path of the clearance under the recently revised and expanded plan. Thirty of them are operators of small businesses who rent stores in the area. Eighty-one are tenants in dwelling quarters in the area. And eighteen are persons in or near the neighborhood who made contributions to the fund for the construction of a parochial school in the neighborhood. This

school was completed in 1959. It now faces removal to make room for the University of Illinois. Thirteen of the plaintiffs do not live within the boundaries of the neighborhood, and thirty of them do not live in the portions of the neighborhood to be cleared away.

These people repeat that they bring this action on behalf of a class of which they are members. Besides the description of the class to be found from the description of the plaintiffs, it also is described in their complaint as including:

(1) All persons like situated.

(2) All of the residents, property owners, owners of businesses, and employes of businesses of the Near West Side Neighborhood.

(3) All other citizens, residents and property owners of the City of Chicago, whose personal and property rights have been and will be injured by the action and policies of defendants.

Rule 23 of the Federal Rules of Civil Procedure, 28 USCA, provides in part that:

> "If persons constituting a class are so numerous as to make it impractical to bring them all before the court, such of them, one or more, as will fairly insure the adequate representation of all, may, on behalf of all, sue * * *, when the character of the right sought to be enforced for * * * the class is
>
> (1) joint, or common, * * *;
>
> (2) several, and the object of the action is the adjudication of claims which do or may affect specific property involved in the action; or
>
> (3) several, and there is a common question of law or fact affecting the several rights and a common relief is sought."

A suit is not truly a "representative suit" solely because plaintiffs so designate it. It is well settled that in a true class action, brought pursuant to the provisions of Sub-Section (1) of Rule 23, the representatives of the class must be adequate in number and have a joint or common interest which is co-extensive and wholly compatible with the interest of those to be represented, wholly devoid of antagonism, and sufficiently identical to permit any judgment entered upon the merits to be binding upon all of the alleged members of the class without denying any one of them due process of law. *Troup* v. *McCart*, 238 F.2d 289, 294; *Advertising Specialty Nat'l. Assn.* v. *Fed. Trade Comm.*, 238 F.2d 108, 119; *Ky. Home Mut. Life Ins. Co.* v. *Dilling*, 190 F.2d 797, 802; *Knowles* v. *War Damage Corp.*, 171 F.2d 15, 17, cert. denied 336 U.S. 914; *Rank* v. *Krug*, 142 F.Supp. 1; *Pacific Fire Ins. Co.* v. *Reiner*, 45 F.Supp. 703; *Clougherty* v. *James Vernor Co.*, 187 F.2d 288, cert. denied, 342 U.S. 814; *Gray* v. *Reuther*, 201 F.2d 54. For the true class suit is one only in which the parties represented and the plaintiffs represented have an ascertainable mutuality of interest and benefit. *Giordano* v. *Radio Corp. of America*, 183 F.2d 558, 560; *Pentland* v. *Dravo Corp.*, 152 F.2d 851, 852; *Anderson* v. *Abbott*, 61 F.Supp. 888, 902.

In seeking to ascertain an enforceable community of interests and benefits to these plaintiffs, we cannot consider their desire to retain their "complex of internal-interrelationships". No enforceable interest exists on the part of any or all residents of a community or part of a community to maintain undisturbed the ethnic or cultural status quo of a neighborhood, or to prevent intrusion therein by a citizen or corporation not otherwise by law prohibited from entering. The maintenance of such an interest would be against public policy, and violative of

the "privileges and immunities" clause of the Fourteenth Amendment. *Crandall* v. *Nevada*, 73 U.S. 35, 44; *Edwards* v. *California*, 314 U.S. 160, 174; *Shelley* v. *Kraemer*, 334 U.S. 1, 8-23; *Barrows* v. *Jackson*, 346 U.S. 249, 251-260.

Plaintiffs enlarge their group to include persons who gave donations to a school, which school may itself have a claim to be measured in damages? These persons cannot themselves assert their gifts as a basis for a claim, for such claims as such are too remote and are absorbed in the claim of the school. Similarly, in seeking to ascertain an enforceable community of interests, and benefits of these plaintiffs, we cannot consider any generally and undefined injury arising from the general activities and policies of the defendants. And when the plaintiffs enlarge their class to include any citizen, or resident, or property owner, in the whole City of Chicago, who may have been in the past or may be in the future injured by the actions and policies of the defendants, plaintiffs claims are clearly too remote. *Frothingham* v. *Mellon*, 262 U.S. 447, stated at Page 487:

> "(The interest asserted) is shared with millions of others; is comparatively minute and indeterminable * * * (and) so remote, fluctuating and uncertain, that no basis is afforded for an appeal to the preventive powers of a court of equity."

To the same effect are a host of other decisions. *Alabama* v. *Ickes*, 302 U.S. 464, 478-479; *Tennessee Electric Co.* v. *TVA*, 306 U.S. 118, 143; *Ex parte Twitt*, 302 U.S. 633, 634; *Florida* v. *Mellon*, 273 U.S. 12, 18; *Ala.* v. *Arizona*, 291 U.S. 286, 292.

Further, in seeking to ascertain an enforceable community of interest and benefits of these plaintiffs, we may not include those several persons listed who have com-

pleted their individual transactions with the defendants. They would be estopped from claiming any benefits from the prospective judgment in this case. Members of the class who have adjudicated or settled their interest with the defendants have none remaining under the circumstances to be jointly asserted with the other plaintiffs here. *Rank* v. *Krug*, 142 F.Supp. 1, 159; *Carlsbad Mutual Water Co.* v. *San Luis Rey Development Co.*, 178 P.2d 844, 852-853; *Elston* v. *King County*, 34 P.2d 906, 909-911.

Persons who have no enforceable interests or benefits in the transactions concerned cannot help to define a class to be represented, and a class alleged to include them is ill defined and unascertainable. A "class action" is an action brought in behalf of other persons "similarly situated", and for such persons to be "similarly situated", it must be more than a likelihood that there are such persons so "similarly situated"; rather, the situation must actually exist, and the class must be a reality, and not a mere possibility. *Mitchell* v. *Wright*, 62 F.Supp. 580, 582, reversed on other grounds, 154 F.2d 924, cert. denied, 329 U.S. 733. See also: *Matlaw Corp.* v. *War Damage Corp.*, 164 F.2d 281, 283; *Distelhorst* v. *Day & Zimmerman*, 58 F.Supp. 334, 335.

It is obvious from an analysis of the plaintiffs, that at best 138 of the 267 have possibly ascertainable interests or property rights which might give rise to damages, if offended. They would possibly include the ten resident property owners; the eleven residents who may have to move a second time; the eighty-one tenants in properties which will have to be cleared away; the six property owners whose structures already have been condemned; and the thirty operators of businesses in the area to be cleared.

It appears to me and I so find that, on the basis of the complaint, a true class suit cannot be maintained by the plaintiffs. Their complaint must be dismissed.

It is doubtful, though not necessary to decide here, that plaintiffs could maintain this suit as a spurious class action. It is well settled that a spurious class action can be maintained where, under certain circumstances, there are common questions of law and fact that must be determined with relation to all the members of the class. *Knowles* v. *War Damage Corp.*, 171 F.2d 15, 18, cert. denied, 336 U.S. 14; *Wilson* v. *Beebe*, 99 F.Supp. 418, 419; *Yamamoto* v. *Dulles*, 16 F.R.D. 195, 197-199; *Underwood* v. *Maloney*, 14 F.R.D. 222, 226-227. But the difficulty of this type of class action for this case grows out of the fact that the value of the interests of the various members of the class may not be combined to determine the jurisdictional amount necessary to maintain the action in this Court. The claims of the members of a spurious class action may not be aggregated to confer jurisdiction. *Miller* v. *Woods*, 185 F.2d 499, 500; *Troup* v. *McCart*, 238 F.2d 289, 293; *Brotherhood of R.R. Trainmen* v. *Templeton*, 181 F.2d 527, 533, cert. denied, 340 U.S. 823; *Ames* v. *Chestnut Knolls*, 159 F.Supp. 791, 793; *Tittle* v. *Gen. Motors Corp.*, 80 F.Supp. 333, 334. I observe, since I need not here find, that for the purposes of a spurious class suit, plaintiffs would have to change their complaint to allege as to each person in the representative group the necessary jurisdictional amount of $10,000, and in the absence of such allegations, each made in good faith, this Court would still have no jurisdiction.

Under the circumstances, it is unnecessary for me to attend the issues of defendants' motion for a three-judge court, other than to overrule so much of such motion as,

by use of alternate pleadings, indicates that I might allow the motion before determining in the first instance if this Court has jurisdiction. There is no question about the fact that I must make a preliminary determination as to jurisdiction before I could entertain an application for a three-judge court. *Ex parte Poreshu*, 290 U.S. 30, 31; *Eastern States Petroleum Corp. v. Rogers*, 280 F.2d 611, 615-616.

Finally, and as a further ground for dismissing this complaint, an analysis of the charges convinces me, and I so find, that plaintiffs have not presented for adjudication by this Court a substantial federal question.

The complaint charges that the new redevelopment plan does not conform to the overall plan of the city. However, it is apparent from the allegations and exhibits of the complaint, that there is a plan. The complaint does not show any lack of conformity to that plan, or any manner in which it has not been followed. The general allegation might be sufficient to raise the issue if it were not in conflict with other allegations of the complaint and there were other sustainable complaints to the end that together the question raised could be considered substantial. *Cuyahoga River Power Co. v. Northern Ohio Traction & Light Co.*, 252 U.S. 388, 397; *Regents of N.M. College of Agriculture & Mechanic Arts v. Albuquerque Broadcasting Co.*, 158 F.2d 900, 907; *Hudson Motor Car Co. v. City of Detroit*, 136 F.2d 574, 576.

As to the allegations of inadequate program for relocation, the complaint acknowledges that the city does have a program of relocation, but generally criticizes the manner in which the program is being carried out. Here again the complaint fails to set out any act of impropriety. General unhappiness with what is going on is not a com-

plaint which would sustain a finding that a substantial federal question has been raised. *McCartney* v. *State of W.Va.*, 156 F.2d 739, 741.

Plaintiffs allege failure on the part of the defendants to comply with Section 101(c) of the Federal Housing Act, as amended, 42 USC 1451(c), in that the city's redevelopment plans were drawn up without any citizen participation. There is no such requirement, and there is no "spirit of the law" which could be interpreted as establishing so essentially such a requirement that failure to comply therewith would raise a substantial federal question. Such an alleged "spirit of the law" would likely not be found, for it would be in abrogation of our basic concept of government operating through duly constituted and official institutions of government. Citizens' participation traditionally exists through the elective process. *Rindge Co.* v. *Los Angeles County*, 262 U.S. 700, 708; *Hoffman* v. *Stevens*, 177 F.Supp. 898, 904; *Gart* v. *Cole*, 166 F.Supp. 129, 135.

Plaintiffs allege that Illinois law, as our statutes are interpreted, does not permit full and just compensation, and, in particular, compensation for good will, and therefore will be violative in condemnations of the Fifth and Fourteenth Amendments. The Illinois Redevelopment Act of 1947 relies upon the Act of Illinois Regarding the Right of Eminent Domain, Chap. 47, Sec. 1, *et seq.* The Illinois Redevelopment Act already has been held constitutional by this Court. *Robinette* v. *Chicago Land Clearance*, 115 F.Supp. 669, 672-674.

The Eminent Domain Act provides generally for just compensation, leaving it up to juries to determine amounts not determinable by the state in its corporate capacity. I have been unable to locate any authority for the proposi-

tion that, as a matter of law, good will may not be considered by juries in determining just compensation.

The complaint does not support its allegation that public hearings were not held before approval of the plans. Plaintiffs actually admit the hearings, but say that they were inadequate. Nevertheless, no inadequacies are alleged. A fair hearing would be all that is required. The inadequacy must be such as would be so oppressive as to be repugnant to our fundamental concept of fairness and justice. *Gohld Realty Co.* v. *City of Hartford*, 104 A.2d 365. But even that question is not reached here. The issue involved here is not whether the land to be taken is for a public purpose. The complaint on its face shows that it was. The question of whether this was the purpose might give rise to a right to a public hearing. *Rindge Co.* v. *Los Angeles County*, 262 U.S. 700. But the posture of this case is different. When the intended use is public, the necessity and expediency of the taking may be determined by an agency of the state or local government, and in such mode as the state or local government may designate. These are legislative questions, no matter who may be charged with their decision, and a hearing with relation to them is not essential to due process of law in the sense of the Fourteenth Amendment. *O'Hara* v. *District of Columbia*, 147 F.2d 146, 148; *Bragg* v. *Weaver*, 51 U.S. 57, 58; *Sears* v. *Akron, Ohio*, 246 U.S. 247, 251.

The complaint's allegations on behalf of Hull House and other alleged strong structures in which plaintiffs have no real property interests do not rest upon any statutory provision disobeyed, or upon any conduct that is violative of the rights of the plaintiffs. The allegations appeal to the Court's sensitivities, as also they do with relation to the parochial school involved, but neither the

remote interests, if any, of the plaintiffs in preserving historical landmarks, nor the sympathy of the Court for those who are emotionally involved in an institutional source of community pride, would serve as a basis for this action. *Frothingham* v. *Mellon, supra.*

Similarly, the complaint that Land Clearance did not have authority to convey title at the time the plan was adopted, as well as the complaint that the Federal Housing Administration did not have authority to consent to a modification of the plan under the circumstances, are matters which relate over to the interests of the general public, and, in the absence of any specific injury to the plaintiffs, would affect them only insofar as they are members of the general public. *Frothingham* v. *Mellon, supra.*

None of the complaints alleged, and I so find, raises a substantial question of federal constitutional rights offended. In view of all the foregoing, it is my opinion that the complaint fails to establish jurisdiction in this Court, and should be dismissed. Accordingly, the motions of the defendants for dismissal of the complaint are allowed, and it is so ordered.

Enter:

/s/ James B. Parsons
United States District Judge

Date: May 21, 1962

APPENDIX E.

Administrative Procedure Act, 5 U.S.C. §§ 1000-1009, 60 Stat. 237, as amended (excerpts).

§ 1001. Definitions.

As used in this chapter—

Agency

(a) "Agency" means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this chapter shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 1002 of this title, there shall be excluded from the operation of this chapter (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by sections 301—303, 304, 305, 306—309, 310, 311—318, 1881—1884 and 1891—1902 of Appendix to Title 50, and sections 1738 and 1744 of Title 12; sections 1611—1614, 1615—1646, and 981—985 of Appendix to Title 50, and sections 101—125 of Title 41; and sections 1738, 1739, and 1743 of Title 12, and sections 1821—1833 of Appendix to Title 50.

Person and party

(b) "Person" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding; but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

• • •

Order and adjudication

(d) "Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. "Adjudication" means agency process for the formulation of an order.

• • •

Agency proceeding and action

(g) "Agency proceeding" means any agency process as defined in subsections (c), (d), and (e) of this section. "Agency action" includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act. June 11, 1946, c. 324, § 2, 60 Stat. 237, as amended Aug. 8, 1946, c. 870, Title III, § 302, 60 Stat. 918; Aug. 10, 1946, c. 951, Title VI, § 601, 60 Stat. 993; Mar. 31, 1947, c. 30, § 6(a), 61 Stat. 37; June 30, 1947, c. 163, Title II, § 210, 61 Stat. 201; Mar. 30, 1948, c. 161, Title III, § 301, 62 Stat. 99.

§ 1009. Judicial review of agency action

Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion—

Rights of review

(a) Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

Form and venue of proceeding

(b) The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

Acts reviewable

(c) Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes

of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

• • •

Scope of review

(e) So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 1006 and 1007 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error. June 11, 1946, c. 324, § 10, 60 Stat. 243.

APPENDIX F.

Housing Act of 1949, Title I, 42 U.S.C. §§ 1440-1462, 63 Stat. 413, as amended (excerpts).

§ 1441. Congressional declaration of national housing policy

The Congress declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the Nation. The Congress further declares that such production is necessary to enable the housing industry to make its full contribution toward an economy of maximum employment, production, and purchasing power. The policy to be followed in attaining the national housing objective established shall be: (1) private enterprise shall be encouraged to serve as large a part of the total need as it can; (2) governmental assistance shall be utilized where feasible to enable private enterprise to serve more of the total need; (3) appropriate local public bodies shall be encouraged and assisted to undertake positive programs of encouraging and assisting the development of well-planned, integrated residential neighborhoods, the development and redevelopment of communities, and the pro-

duction, at lower costs, of housing of sound standards of design, construction, livability, and size for adequate family life; (4) governmental assistance to eliminate substandard and other inadequate housing through the clearance of slums and blighted areas, to facilitate community development and redevelopment, and to provide adequate housing for urban and rural non-farm families with incomes so low that they are not being decently housed in new or existing housing shall be extended to those localities which estimate their own needs and demonstrate that these needs are not being met through reliance solely upon private enterprise, and without such aid; and (5) governmental assistance for decent, safe, and sanitary farm dwellings and related facilities shall be extended where the farm owner demonstrates that he lacks sufficient resources to provide such housing on his own account and is unable to secure necessary credit for such housing from other sources on terms and conditions which he could reasonably be expected to fulfill. The Housing and Home Finance Agency and its constituent agencies, and any other departments or agencies of the Federal Government having powers, functions, or duties with respect to housing, shall exercise their powers, functions, and duties under this or any other law, consistently with the national housing policy declared by this Act and in such manner as will facilitate sustained progress in attaining the national housing objective here by established, and in such manner as will encourage and assist (1) the production of housing of sound standards of design, construction, livability, and size for adequate family life; (2) the reduction of the costs of housing without sacrifice of such sound standards; (3) the use of new designs, materials, techniques, and methods in residential construction, the use of standardized dimensions and methods of assembly

of home-building materials and equipment, and the increase of efficiency in residential construction and maintenance; (4) the development of well-planned, integrated, residential neighborhoods and the development and redevelopment of communities; and (5) the stabilization of the housing industry at a high annual volume of residential construction. July 15, 1949, c. 338, § 2, 63 Stat. 413.

§ 1451. Local programs—Local responsibilities considered by Administrator in extending financial assistance

(a) In entering into any contract for advances for surveys, plans, and other preliminary work for projects under this subchapter or for grants pursuant to section 1453(d) of this title, the Administrator shall give consideration to the extent to which appropriate local public bodies have undertaken positive programs (through the adoption, modernization, administration, and enforcement of housing, zoning, building and other local laws, codes and regulations relating to land use and adequate standards of health, sanitation, and safety for buildings, including the use and occupancy of dwellings) for (1) preventing the spread or recurrence in the community of slums and blighted areas, and (2) encouraging housing cost reductions through the use of appropriate new materials, techniques, and methods in land and residential planning, design, and construction, the increase of efficiency in residential construction, and the elimination of restrictive practices which unnecessarily increase housing costs.

Encouragement of operations of local public agencies

(b) In the administration of this subchapter, the Administrator shall encourage the operations of such local public agencies as are established on a State, or regional (within a State), or unified metropolitan basis or as are

established on such other basis as permits such agencies to contribute effectively toward the solution of community development or redevelopment problems on a State, or regional (within a State), or unified metropolitan basis. The Administrator shall particularly encourage the utilization of local public agencies established by the States to operate on a statewide basis in behalf of smaller communities within the State which are undertaking or propose to undertake urban renewal programs whenever that arrangement facilitates the undertaking of an urban renewal program by any such community, or provides an effective solution to community development or redevelopment problems in such communities, and is approved by resolution or ordinance of the governing bodies of the affected communities.

Requirements; exceptions; prohibition against delegation of certain functions

(c) No contract shall be entered into for any loan or capital grant under this subchapter, or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956, and no mortgage shall be insured, and no commitment to insure a mortgage shall be issued, under section 1715k or section 1715*l* (d) (3) of Title 12, unless (1) there is presented to the Administrator by the locality a workable program for community improvement (which shall include an official plan of action, as it exists from time to time, for effectively dealing with the problem of urban slums and blight within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living

environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program, and (2) on the basis of his review of such program, the Administrator determines that such program meets the requirements of this subsection and certifies to the constituent agencies affected that the Federal assistance may be made available in such community: *Provided*, That this sentence shall not apply to the insurance of, or commitment to insure, a mortgage under section 1715k of Title 12, if the mortgaged property is in an area referred to in clause (A) (i) of paragraph (1) of subsection (d) of said section: *And provided further*, That, notwithstanding any other provisions of law which would authorize such delegation or transfer, there shall not be delegated or transferred to any other official (except an officer or employee of the Housing and Home Finance Agency serving as Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in that office) the final authority vested in the Administrator (i) to determine whether any such workable program meets the requirements of this subsection, (ii) to make the certification that Federal assistance of the types enumerated in this subsection may be made available in such community, or (iii) to determine that the relocation requirements of section 1455(c) of this title have been met.

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July 15, 1949, c. 338, Title I, § 101, 63 Stat. 414; Aug. 2, 1954, c. 649, Title III, § 303, 68 Stat. 623; Aug. 11, 1955, c. 783, Title I, § 108(a), 69 Stat. 638; Aug. 7, 1956, c. 1029, Title IV, § 402, 70 Stat. 1103; Sept. 23, 1959, Pub.L. 86—372, Title I, § 110(a) (3), (4), Title IV, §§ 401, 417(2), 73 Stat. 659, 670, 677; June 30, 1961, Pub.L. 87—70, Title I, § 101(b), Title III, § 314(a), 75 Stat. 153, 172.

§ 1452. Loans — Temporary and definitive loans; amounts; interest rates; security; repayment

(a) To assist local communities in the elimination of slums and blighted or deteriorated or deteriorating areas, in preventing the spread of slums, blight or deterioration, and in providing maximum opportunity for the redevelopment, rehabilitation, and conservation of such areas by private enterprise, the Administrator may make temporary and definitive loans to local public agencies in accordance with the provisions of this subchapter for the undertaking of urban renewal projects. • • •

• • •

July 15, 1949, c. 338, Title I, § 102, 63 Stat. 414; Aug. 2, 1954, c. 649, Title III, § 304, 68 Stat. 624; Aug. 7, 1956, c. 1029, Title III, §§ 301, 303, 70 Stat. 1097, 1099; Sept. 23, 1959, Pub.L. 86—372, Title IV, §§ 402-404, 73 Stat. 671; June 30, 1961, Pub.L. 87—70, Title III, §§ 302(a), 314(b), 75 Stat. 166, 172.

§ 1453. Grants for urban renewal projects—Authorization; aggregate amount; limitation on grants for individual projects

(a) (1) The Administrator may make capital grants to local public agencies in accordance with the provisions of this subchapter for urban renewal projects: *Provided*,

That the Administrator shall not make any contract for capital grant with respect to a project which consists of open land.

(2) The aggregate of such capital grants with respect to all of the projects of a local public agency (or of two or more public agencies in the same municipality) on which contracts for capital grants have been made under this subchapter shall not exceed the total of—

(A) two-thirds of the aggregate net project costs of all such projects to which neither subparagraph (B) nor subparagraph (C) applies, and

(B) three-fourths of the aggregate net project costs of any of such projects which are located in a municipality having a population of fifty thousand or less (one hundred fifty thousand or less in the case of a municipality situated in an area which, at the time the contract or contracts involved are entered into or at such earlier time as the Administrator may specify in order to avoid hardship, is designated as a redevelopment area under the second sentence of section 2504 (a) of this title) according to the most recent decennial census, and

(C) three-fourths of the aggregate net project costs of any of such projects (not falling within subparagraph (B)) which the Administrator, upon request, may approve on a three-fourths capital grant basis.

(3) A capital grant with respect to any individual project shall not exceed the difference between the net project cost and the local grants-in-aid actually made with respect to the project.

Limitation on aggregate amount of grants; authorization of appropriations; repayment of certain uncollectible loans

(b) The Administrator may, with the approval of the President, contract to make grants under this subchapter aggregating not to exceed $4,000,000,000 • • •.

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July 15, 1949, c. 338, Title I, § 103, 63 Stat. 416; Aug. 2, 1954, c. 649, Title III, § 305, 68 Stat. 625; Aug. 11, 1955, c. 783, Title I, § 106(a), 69 Stat. 637; July 12, 1957, Pub.L. 85—104, Title III, §§ 301, 302(1), 71 Stat. 299; Sept. 23, 1959, Pub.L. 86—372, Title IV, §§ 405, 417(1), 73 Stat. 672, 676; June 30, 1961, Pub.L. 87—70, Title III, §§ 301(a), 303, 75 Stat. 165, 166.

§ 1454. Requirements for local grants-in-aid

Every contract for capital grants under this subchapter shall require local grants-in-aid in connection with the project involved. Such local grants-in-aid, together with the local grants-in-aid to be provided in connection with all other projects of the local public agency (or two or more local public agencies in the same municipality) on which contracts for capital grants have theretofore been made, shall be at least equal to the total of one-third of the aggregate net project costs of such projects undertaken on a two-thirds capital grant basis and one-fourth of the aggregate net project costs of such projects undertaken on a three-fourths capital grant basis.

July 15, 1949, c. 338, Title I, § 104, 63 Stat. 416; Aug. 2, 1954, c. 649, Title III, § 306, 68 Stat. 625; Aug. 7, 1956, c. 1029, Title III, § 306, 70 Stat. 1101; July 12, 1957, Pub.L. 85—104, Title III, § 302(2), 71 Stat. 300; June 30, 1961, Pub.L. 87—70, Title III, § 301(b), 75 Stat. 166.

§ 1455. Requirements for loan or capital grant contracts

Contracts for loans or capital grants shall be made only with a duly authorized local agency and shall require that—

Approval of urban renewal plan

(a) The urban renewal plan for the urban renewal area be approved by the governing body of the locality in which the project is situated, and that such approval include findings by the governing body that (i) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the urban renewal plan; (ii) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; (iii) the urban renewal plan conforms to a general plan for the development of the locality as a whole; and (iv) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan;

* * *

Temporary relocation of families displaced from urban renewal area

(c) There be a feasible method for the temporary relocation of families displaced from the urban renewal area, and that there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and com-

mercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment.

Acquisition of land; public hearings

(d) No land for any project to be assisted under this subchapter shall be acquired by the local public agency except after public hearing following notice of the date, time, place and purpose of such hearing.

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July 15, 1949, c. 338, Title I, § 105, 63 Stat. 416; Aug. 2, 1954, c. 649, Title III, § 307, 68 Stat. 625; Aug. 7, 1956, c. 1029, Title III, § 302(a) (1), 70 Stat. 1097; Sept. 23, 1959, Pub.L. 86—372, Title IV, §§ 406, 407, 73 Stat. 673; June 30, 1961, Pub.L. 87—70, Title III, § 315, 75 Stat. 172.

§ 1456. Administrator's powers and duties—Appointment of Director; preparation and submission of annual budget; maintenance and audit of accounts

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Specific powers, duties, and liabilities

(c) In the performance of, and with respect to, the functions, powers, and duties vested in him by this subchapter, the Administrator, notwithstanding the provisions of any other law, may—

(1) sue and be sued;

• • •

(6) subject to the specific limitations in this subchapter, consent to the modification, with respect to rate of inter-

est, time of payment of any installment of principal or interest, security, amount of capital grant, or any other term, of any contract or agreement to which he is a party or which has been transferred to him pursuant to this subchapter;

(7) include in any contract or instrument made pursuant to this subchapter such other covenants, conditions, or provisions (including such covenants, conditions, or provisions as, in the determination of the Administrator, are necessary or desirable to prevent the payment of excessive prices for the acquisition of land in connection with projects assisted under this subchapter) as he may deem necessary to assure that the purposes of this subchapter will be achieved. No provision of this subchapter shall be construed or administered to permit speculation in land holding;

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Relocation payments; contract provisions; definition; amount; amendment of prior contracts

(f) (1) Notwithstanding any other provision of this subchapter, an urban renewal project respecting which a contract for a capital grant is executed under this subchapter may include the making of relocation payments (as defined in paragraph (2)); and such contract shall provide that the capital grant otherwise payable under this subchapter shall be increased by an amount equal to such relocation payments and that no part of the amount of such relocation payments shall be required to be contributed as part of the local grant-in-aid.

(2) As used in this subsection, the term "relocation payments" means payments by a local public agency to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving

expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made) resulting from their displacement from an urban renewal area made necessary by (i) the acquisition of real property by a local public agency or by any other public body, (ii) code enforcement activities undertaken in connection with an urban renewal project, or (iii) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan: *Provided,* That such payments shall not be made after completion of the project or if completion is deferred solely for the purposes of obtaining further relocation payments. Such payments shall be made subject to such rules and regulations as may be prescribed by the Administrator, and shall not exceed $200 in the case of an individual or family, or $3,000 (or, if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

(3) Any contract with a local public agency which was executed under this subchapter before August 7, 1956 may be amended to provide for payments under this subsection for expenses and losses incurred on or after such date.

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July 15, 1949, c. 338, Title I, § 106, 63 Stat. 417; June 3, 1952, c. 362, 66 Stat. 98; June 30, 1953, c. 170, § 22, 67 Stat. 127; Aug. 2, 1954, c. 649, Title III, § 308, Title VIII, § 802(e), 68 Stat. 625, 643; Aug. 11, 1955, c. 783,

Title I, § 106(b), 69 Stat. 637; Aug. 7, 1956, c. 1029, Title III, §§ 304, 305, 70 Stat. 1100; July 12, 1957, Pub.L. 85—104, Title III, §§ 303, 304, 71 Stat. 300; Sept. 23, 1959, Pub.L. 86—372; Title IV, §§ 408, 409(a) (1), (b), 410, 417(1), 73 Stat. 673, 674, 676; June 30, 1961, Pub.L. 87—70, Title III, § 304, 75 Stat. 167.

§ 1460. Definitions

The following terms shall have the meanings, respectively, ascribed to them below, and, unless the context clearly indicates otherwise, shall include the plural as well as the singular number:

(a) "Urban renewal area" means a slum area or a blighted, deteriorated, or deteriorating area in the locality involved which the Administrator approves as appropriate for an urban renewal project.

(b) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan of the locality as a whole and to the workable program referred to in section 1451 of this title and shall be consistent with definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; and (2) shall be sufficiently complete to indicate, to the extent required by the Administrator for the making of loans and grants under this subchapter, such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.

(c) "Urban renewal project" or "project" may include undertakings and activities of a local public agency in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof, in accordance with such urban renewal plan. Such undertakings and activities may include—

(1) acquisition of (i) a slum area or a deteriorated or deteriorating area, or (ii) land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community, or (iii) open land necessary for sound community growth which is to be developed for predominantly residential uses: *Provided*, That the requirement in paragraph (a) of this section that the area be a slum area or a blighted, deteriorated or deteriorating area shall not be applicable in the case of an open land project;

(2) demolition and removal of buildings and improvements;

(3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this subchapter in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area (including sale, leasing or retention by the local public agency itself) at its fair

value for uses in accordance with the urban renewal plan or as provided in section 1457 of this title;

(5) carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) acquisition and repair or rehabilitation for guidance purposes and resale by the local public agency, of structures which are located in the urban renewal area and which, under the urban renewal plan, are to be repaired or rehabilitated for dwelling use or related facilities: *Provided,* That the local public agency shall not acquire for such purposes, in any urban renewal area, structures which contain or will contain more than (A) one hundred dwelling units, or (B) 5 per centum of the total number of dwelling units in such area which, under the urban renewal plan, are to be repaired or rehabilitated, whichever is the lesser.

* * *

(f) "Net project cost" shall mean the difference between the gross project cost and the aggregate of (1) the total sales prices of all land or other property sold, and (2) the total capital values (i) imputed, on a basis approved by the Administrator, to all land or other property leased, and (ii) used as a basis for determining the

amounts to be transferred to the project from other funds of the local public agency to compensate for any land or other property retained by it for use in accordance with the urban renewal plan.

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(h) "Local public agency" means any State, county, municipality or other governmental entity or public body, or two or more such entities or bodies, authorized to undertake the project for which assistance is sought. "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(i) "Land" means any real property, including improved or unimproved land, structures, improvements, easements, incorporeal hereditaments, estates, and other rights in land, legal or equitable.

(j) "Administrator" means the Housing and Home Finance Administrator. June 30, 1949, c. 288, Title I, § 103, 63 Stat. 380; July 15, 1949, c. 388, Title I, § 110, 63 Stat. 420; June 30, 1953, c. 170, § 24(a), 67 Stat. 127; Aug. 2, 1954, c. 649, Title III, § 311, 68 Stat. 626; Aug. 11, 1955, c. 783, Title I, § 106(c), 69 Stat. 637; Aug. 7, 1956, c. 1029, Title III, §§ 302(a) (2), (b), (c), (d), 70 Stat. 1097; July 12, 1957, Pub. L. 85-104, Title III, §§ 302(3)-(5), 305, 306, 71 Stat. 300, 301; Sept. 23, 1959, Pub. L. 86-372, Title IV, §§ 412-414(a), 415, 416, 417(3), 73 Stat. 675, 677; June 30, 1961, Pub. L. 87-70, Title III, §§ 301(c), 306(b), 307, 308, 314(c), 75 Stat. 166, 168, 172.

§ 1462. Disaster areas; urban renewal assistance; nonapplicability of certain requirements

Where the local government body certifies, and the Administrator finds, that an urban area is in need of re-

development or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe which the President, pursuant to section 1855a(a) of this title, has determined to be a major disaster, the Administrator is authorized to extend financial assistance under this subchapter for an urban renewal project with respect to such area without regard to the following:

(1) the "workable program" requirement in section 1451(c) of this title, except that any contract for temporary loan of capital grant pursuant to this section shall obligate the local public agency to comply with the "workable program" requirement in section 1451(c) of this title by a future date determined to be reasonable by the Administrator and specified in such contract;

(2) the requirements in section 1455(a) (iii) and section 1460(b) (1) of this title that the urban renewal plan conform to a general plan of the locality as a whole and to the workable program referred to in section 1451(c) of this title;

(3) the "relocation" requirements in section 1455(c) of this title: *Provided*, That the Administrator finds that the local public agency has presented a plan for the encouragement, to the maximum extent feasible, of the provision of dwellings suitable for the needs of families displaced by the catastrophe or by redevelopment or rehabilitation activities;

(4) the "public hearing" requirement in section 1455(d) of this title;

(5) the requirements in sections 1452 and 1460 of this title that the urban renewal area be a slum area or a blighted deteriorated, or deteriorating area; and

(6) the requirements in section 1460 of this title with respect to the predominantly residential character or predominantly residential re-use of urban renewal areas.

In the preparation of the urban renewal plan with respect to a project aided under this section, the local public agency shall give due regard to the removal or relocation of dwellings from the site of recurring floods or other recurring catastrophes in the project area. July 15, 1949, c. 338, Title I, § 111, as added Aug. 7, 1956, c. 1029, Title III, § 307(a), 70 Stat. 1101.

APPENDIX G.

Illinois Blighted Areas Redevelopment Act of 1947, 67½ Ill. Rev. Stat. 1961 §§ 63-91, Laws 1947, p. 1072, as amended (excerpts)

§ 64. Legislative finding and declaration

It is hereby found and declared (a) that there exist in many urban communities within this State slum and blighted areas, as defined herein; (b) that such slum and blighted areas, contribute to the development and cause an increase in and spread of disease, crime, infant mortality and juvenile delinquency, and constitute a menace to the health, safety, morals and welfare of the residents of the State; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities and constitute a drain upon the public revenue and continue to impair the efficient, economical and indispensable governmental functions of the municipalities embracing such areas, as well as of the State; and (c) that in order to promote and protect the health, safety, morals and welfare of the public it is necessary to provide for the eradication and elimination of slum and blighted areas and the construction of redevelopment projects thereon, and that the eradication and elimination of such areas and the construction of redevelopment projects financed by private capital, with limited financial assistance from governmental bodies, in the manner provided in this Act are hereby declared to be a public use essential to the public interest.

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It is also found and declared (a) that the development and redevelopment of urban communities is best served by making such slum and blighted areas and blighted vacant areas available for redevelopment for any use for which the land is suited, public or private, by bodies and corporate, public corporations, or other public bodies, or any private interests, and (b) the eradication and elimination of slum and blighted areas and the acquisition of blighted vacant areas and the development or redevelopment thereof by public bodies or private interests for any appropriate use, public or private, consistent with the general plan for the municipality, in the manner provided in this Act, is hereby declared to be a public use essential to the public interest. As amended 1961, Aug. 22, Laws 1961, p. 3800, § 1.

§ 65. Definitions.

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(j) "Slum and Blighted Area" means any area of not less in the aggregate than two (2) acres located within the territorial limits of a municipality where buildings or improvements, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors, are detrimental to the public safety, health, morals or welfare.

§ 73. Commission to be municipal corporation—Powers

A Commission shall be a municipal corporation and shall constitute a body both corporate and politic, exercising public and essential government functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act.[1] It may

[1] Section 63 et seq. of this chapter.

sue and be sued, and have a seal and alter the same at pleasure, have perpetual succession, make and execute contracts, deeds and other instruments necessary or convenient to the exercise of its powers, and make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this Act. In addition it shall have the following powers:

(a) To acquire slum and blighted areas and other areas which may constitute a redevelopment project as provided in this Act;

(b) To clear any such areas so acquired by demolition or removal of existing buildings and structures thereon; and to install, repair, construct or reconstruct streets, utilities and site improvements essential to the preparation of sites for use in accordance with a redevelopment plan;

(c) To convey real property so acquired for use in accordance with a redevelopment plan;

(d) To borrow money, to apply for and accept advances, loans, grants, contributions, gifts, services, or other financial assistance, from the United States of America or any agency or instrumentality thereof, the State, County, Municipality or other public body or from any sources, public or private, for or in aid of any of the purposes of this Act, and to secure the payment of any loans or advances by the issuance of bonds (as hereinafter defined), and by the pledge of any loan, grant, or contribution, or parts thereof, or the contracts therefor, to be received from the United States of America or any agency or instrumentality thereof, and to enter into and carry out contracts in connection therewith; to redeem its bonds at the redemption price established therein or to

purchase them at less than the redemption price, all bonds so redeemed or purchased to be cancelled; provided that in no event shall any bonds issued by the Commission be payable except out of the revenues or funds specifically designated in this Act for such payment. Notwithstanding any other provision of this Act a Commission shall not borrow money from any source other than the United States of America or any agency or instrumentality thereof without obtaining approval of the State Housing Board and the governing body of the municipality. A Commission, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the United States of America or any agency or instrumentality thereof for a redevelopment project, such conditions imposed pursuant to Federal law as the Commission may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act or with the foregoing proviso; and

(c) To accomplish a combination of the foregoing to carry out a redevelopment plan.

In relation to the foregoing powers a Commission may investigate into living and housing conditions in its area of operation to determine the extent and location of slum and blighted areas and other areas which may constitute a redevelopment project as defined herein and to ascertain in which of such area or areas development or redevelopment should be undertaken, and in connection with any such investigation may conduct public hearings, take testimony and proof under oath on the subject matter of such investigation, and cooperate with the planning agency

of the municipality wholly or partially within its area of operation.

The Commission shall have power to make studies, surveys and plans preliminary to or concerning any projects which are permissible under this Act.

A Land Clearance Commission shall not be limited to one development or redevelopment project, but may have as many projects in process at any one time as it may deem necessary to accomplish the purposes of this Act.

A Commission shall have no power to build or operate housing on any real property acquired pursuant to this Act, other than to manage, operate and maintain existing housing or other buildings and improvements located thereon at the time of acquisition pending the demolition and removal of such buildings or improvements or the sale of any such buildings or improvements the demolition or removal of which is not deemed necessary to the redevelopment plan, and to use the rents and income to pay any expense in connection therewith. 1947, July 2, Laws 1947, p. 1072, § 11; 1949, Aug. 3, Laws 1949, p. 997, § 1; 1955, July 13, Laws 1955, p. 1776, § 1.

§ 74. Public hearings by Commission—Compelling production of evidence—Records of municipality

In making investigations herein authorized the Commission may hold public hearings. Any hearing may be conducted by the Commission or by a committee appointed by it, consisting of one or more members of the Commission, or by an employee or agent specially authorized by the Commission to conduct it. The Commission and any member, employee or agent thereof so designated shall have power to administer oaths, take affidavits, subpoena and require the attendance and testimony of witnesses and the

production of books and papers pertaining to such investigation!

In case of contumacy or refusal to obey a subpoena issued to any person, the Circuit or Superior Court of the county in which such person resides or has his principal place of business, upon application by the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or before any member, employee or agent thereof designated to conduct such hearing there to produce evidence, if so desired, or there to give testimony touching the matter under investigation and any failure to obey such order of the Court may be punished by said Court as a contempt thereof.

The officials of any city, village or town and the members of any zoning commission shall, when requested so to do by any member of the Commission, make available for inspection by the Commission or by any committee, employee or agent of the Commission, any and all records and data which they may have pertaining to an area which is then being investigated. 1947 July 2, Laws 1947, p. 1072, § 12.

§ 75. Determination that particular blighted area should be acquired—Approval by State Housing Board and governing body

Whenever a Commission determines that a particular slum or blighted area, or any other area which may constitute a redevelopment project, as herein defined, should be acquired pursuant to the provisions of this Act,[1] such determination together with an accurate description of the

[1] Sections 63-91 of this chapter.

area included in such determination and the date on which the determination was made shall be immediately set forth in the records of the Commission. Such determinations by a Commission may be made from time to time and need not all be made at one time. Each such determination shall be evidenced by a resolution adopted by the Land Clearance Commission.

The area of each such determination shall be specifically designated in the resolution as a "Slum and Blighted Area Redevelopment Project" or a "Blighted Vacant Area Redevelopment Project", according to the determination of the Commission; provided, that any determination made prior to the effective date of this amendatory Act and designated as a "redevelopment project" as required by the provisions of this section in force prior to such effective date shall constitute a determination that the project is a "Slum and Blighted Area Redevelopment Project" and shall not require the adoption of a new or amendatory resolution so declaring the area involved in such determination. A certified copy of such resolution shall be delivered to the State Housing Board and to the governing body of the municipality in which the area is situated. No such determination shall be of any force or effect until such time as it has been approved by the State Housing Board and the governing body of the municipality in which the area is situated. 1947, July 2, Laws 1947, p. 1072, § 13; 1949, Aug. 3, Laws 1949, p. 997, § 1.

APPENDIX H.

Illinois Urban Renewal Consolidation Act, 67½ Ill. Rev. Stat. 1961 §§ 91.101-91.136, Laws 1961, p. 3308 (excerpts).

§ 91.102 Legislative finding and declaration

It is hereby found and declared (a) that there exist in urban communities within this State with more than 500,000 inhabitants land clearance commissions, created and acting pursuant to the "Blighted Areas Redevelopment Act of 1947," approved July 2, 1947, as amended, and conservation boards, created and acting pursuant to the "Urban Community Conservation Act," approved July 13, 1953, as amended; (b) that the administration of these two closely related programs involving the eradication or prevention of slum and blight areas and the redevelopment of such areas can be accomplished more efficiently by a single instrumentality as an agency of such urban community; (c) that in order to protect the health, safety, morals and welfare of the public by the more efficient administration of programs to aid in the eradication and prevention of slum and blight areas and the redevelopment thereof it is necessary to provide for the creation of a single instrumentality to absorb the functions of land clearance commissions and conservation boards, and to exercise the powers and authority granted by the "Blighted Areas Redevelopment Act of 1947," approved July 2, 1947, as amended, and the "Urban Community Conservation Act," approved July 13, 1953, as amended; and (d) the eradication and redevelopment of slum and blighted areas, the development and redevelopment of blighted vacant areas, the conservation of urban residential areas and the prevention of slums, by a single instrumentality the creation of which is herein authorized, in

the manner provided in this Act, is hereby declared to be a public use essential to the public interest. 1961, Aug. 15, Laws 1961, p. 3308, § 2.

§ 91.103 Definitions

The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Department" means a Department of Urban Renewal created pursuant to this Act.

(b) "Government" shall mean the United States of America or any agency or instrumentality thereof authorized to make funds available to local public agencies by way of loans or grants for or in aid of any of the purposes of this Act.

• • •

(i) "Slum and Blighted Area" means any area of not less in the aggregate than two (2) acres located within the territorial limits of a municipality where buildings or improvements, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors, are detrimental to the public safety, health, morals or welfare.

• • •

(m) "Conservation Area" shall mean an area of not less than 40 acres in which the structures in 50% or more of the area are residential, having an average age of 35 years or more. Such an area is not yet a slum or blighted area as defined herein, but such an area, by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and com-

munity facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors, may become such a slum and blighted area.

(n) "Conservation Plan" shall mean the comprehensive program for the physical development and replanning of a "Conservation Area" embodying the steps required to prevent such "Conservation Area" from becoming a slum and blighted area.

• • •

Part I. Slum and Blighted Areas.

§ 91.109 Powers of department

The Department of Urban Renewal, as agent of the municipality, shall have and exercise the following powers with respect to redevelopment projects:

(a) To acquire slum and blighted areas and other areas which may constitute a redevelopment project as provided in this Act;

(b) To clear any such areas so acquired by demolition or removal of existing buildings and structures thereon; and to install, repair, construct or reconstruct streets, utilities and site improvements essential to the preparation of sites for use in accordance with a redevelopment plan;

(c) To convey real property so acquired for use in accordance with a redevelopment plan;

(d) To accomplish a combination of the foregoing to carry out a redevelopment plan.

In relation to the foregoing powers the Department may investigate into living and housing conditions in its area

of operation to determine the extent and location of slum and blighted areas and other areas which may constitute a redevelopment project as defined herein and to ascertain in which of such area or areas development or redevelopment should be undertaken, and in connection with any such investigation may conduct public hearings, take testimony and proof under oath on the subject matter of such investigation, and cooperate with the planning agency of the municipality wholly or partially within its area of operation.

The Department shall have power to make studies, surveys and plans preliminary to or concerning any projects which are permissible under this Act.

The Department shall not be limited to one development or redevelopment project, but may have as many projects in process at one time as it may deem necessary to accomplish the purposes of this Act.

A Department shall have no power to build or operate housing on any real property acquired under the provisions of Part I of this Act, other than to manage, operate and maintain existing housing or other buildings and improvements located thereon at the time of acquisition pending the demolition and removal of such buildings or improvements or the sale of any such buildings or improvements the demolition or removal of which is not deemed necessary to the redevelopment plan, and to use the rents and income to pay any expense in connection therewith. 1961, Aug. 15, Laws 1961, p. 3308, § 9.

§ 91.110 Investigations and hearings

In making investigations herein authorized the Department may hold public hearings. Any hearing may be conducted by the Department or by a committee appointed by it, consisting of one or more members of the Depart-

ment, or by an employee or agent specially authorized by the Department to conduct it. The Department and any member, employee or agent thereof so designated shall have power to administer oaths, take affidavits, subpoena and require the attendance and testimony of witnesses and the production of books and papers pertaining to such investigation. 1961, Aug. 15, Laws 1961, p. 3308, § 10.

§ 91.111 Determination that area constitutes redevelopment project—Resolution—Approval

Whenever the Department determines that a particular slum or blighted area, or any other area which may constitute a redevelopment project, as herein defined, should be acquired pursuant to the provisions of this Act, such determination together with an accurate description of the area included in such determination and the date on which the determination was made shall be immediately set forth in the records of the Department. Such determinations by the Department may be made from time to time and need not all be made at one time. Each such determination shall be evidenced by a resolution adopted by the Department.

The area of each such determination shall be specifically designated in the resolution as a "Slum and Blighted Area Redevelopment Project" or a "Blighted Vacant Area Redevelopment Project," according to the determination of the Department. A certified copy of such resolution shall be delivered to the governing body of the municipality in which the area is situated. No such determination shall be of any force or effect until such time as it has been approved by the governing body of the municipality in which the area is situated. 1961, Aug. 15, Laws 1961, p. 3308, § 11.

APPENDIX I.

Housing and Home Finance Agency, Urban Renewal Administration.

Report of Urban Renewal Operations, October 1962.

Content of Report.

The *Report of Urban Renewal Operations* presents key cumulative and current fiscal year statistics for local activities assisted under Title I of the Housing Act of 1949, as amended.

Table I shows Federal grant authority committed and disbursed under contracts with local public agencies, by type and status of activity. The grants committed provide for: (a) the preparation of Community Renewal Programs, Federal contributions to urban renewal projects, including the first project being delineated in an area for which a General Neighborhood Renewal Plan is under preparation, and carrying out urban renewal demonstrations, (b) payment of specified costs of relocating families, individuals, and business concerns displaced from urban renewal areas (presented with the amounts shown for urban renewal projects), and (c) repayment of uncollectible planning advances made to terminated projects.

Table II shows the number of localities and the projects and other undertakings for which Federal urban renewal grant commitments have been approved, together with data on General Neighborhood Renewal Plans and feasibility surveys.

[The following table combines Tables I and II of the Report]

USE OF GRANT CONTRACT AUTHORITY AS OF OCTOBER 31, 1962 (CUMULATIVE).

	Commitments (in thousands of dollars)		No. of Projects or Contracts	No. of Localities
Total authority		$4,000,000		
Total authority utilized to date		2,892,331		
Different localities with grant reservations			1,273	
Community renewal programs, total		9,462	69	
Completed	—		—	
Under preparation	$ 9,462		69	
Urban renewal projects, total		2,707,626	1,084	
Approved for execution	1,612,691		654	
Completed	45,730		85	
Active	1,566,961		569	
Approved for planning (active)	1,094,935		430	
Applications under preparation within General Neighborhood Renewal Plans		166,202	75	
Demonstration grant contracts, total		3,933	45	
Completed	876		17	
Active	3,057		28	
Terminated planning advances		5,108		
	Disbursements			
Total disbursements to date		$678,087		
Community renewal programs	$ 3,229			
Urban renewal projects	667,258			
Demonstration grant contracts	2,492			
Terminated projects	5,108			

Reporting Definitions and Treatment:

Community Renewal Programs—These are Federally-assisted activities for the development of over-all community programs to (1) identify areas requiring urban renewal treatment, (2) establish generally the type, scope, and scheduling of treatment for each such area, (3) broadly correlate the contemplated urban renewal activity with other community development or capital improvement programs and activities, and (4) determine the allocation of resources needed to carry out required urban renewal undertakings, including the charting of probable sources of financing and timing of availability of funds for the purpose.

Urban Renewal Projects—These are individual urban renewal projects of definite scope approved for detailed planning and execution by a locality. Although separate contracts for Federal assistance are entered into with the Local Public Agency for (1) preparation of the project plans, and (2) physical accomplishment of the planned undertaking, an urban renewal project is a single entity. Data for projects "approved for planning" are transferred to the reporting category "approved for execution" at the time a contract to assist in carrying out the planned urban renewal activity is approved. Likewise, when the execution activity has been completed, and the contract for Federal assistance settled, the data are transferred from the "active" to the "completed" reporting category. All data relating to projects that have been terminated after approval for planning are removed entirely from the "active" reporting category when the contracts for Federal assistance are cancelled. Unrepaid portions of planning advances made under these contracts, if determined to be uncollectible, are reflected in a separate line item of Tables I and I-A as a charge to the urban renewal grant authorization.

Application under Preparation within General Neighborhood Renewal Plans—Grant authorization for the first project expected to be undertaken under a General Neighborhood Renewal Plan (see below) is reserved at the time HHFA approval is given for the preparation of the Plan. When approval is given for the planning of such project, the project and the grant authorization involved are transferred to the reporting category for urban renewal projects. As approval is given for the planning of subsequent projects within a General Neighborhood Renewal Plan, both the project(s) and grant authorization involved are included initially under the reporting category for urban renewal projects. The grant authorization involved for any project covered by a General Neighborhood Renewal Plan prepared without Federal assistance is included in the reporting category for urban renewal projects when such project is initially approved for project planning.

Demonstration Grants—These are Federally-assisted activities for the development, testing, demonstration, and reporting of methods and techniques for the prevention and elimination of slums and urban blight.

General Neighborhood Renewal Plans—Typically these are urban renewal activities assisted by Federal planning advances to conduct surveys and prepare comprehensive plans for renewal of an entire neighborhood where two or more urban renewal projects, to be carried out in stages, are contemplated. A General Neighborhood Renewal Plan may also be prepared without Federal assistance.

Feasibility Surveys—These are Federally-assisted activities to perform surveys and studies to determine whether or not the undertaking of an urban renewal project or projects by the community is feasible. Federal assistance is in the form of advances only.

APPENDIX J.

DIGEST OF STATUTORY DEFINITIONS OF SLUM AND BLIGHT IN STATE URBAN RENEWAL STATUTES

PART I

STATUTES WHICH ARE COMPARABLE TO THE ILLINOIS BLIGHTED AREAS REDEVELOPMENT ACT

Note 1:

This table examines solely the definition of an area which the local urban renewal authorities have power to clear under a slum clearance (in contrast to a conservation) program. The table makes no reference to minimum sizes of areas or the municipal limits in which an authority can operate.

Note 2:

This list does not purport to note all variations from the Illinois form. Some common ones: Many of the statutes have a clause (which would go under Column 4) listing "the existence of conditions which endanger life or property by fire and other causes" (e.g., Ariz. Rev. Stat. §36-1471(2). Although this clause does not exist in the Illinois definition, its presence or absence has not been noted in the other statutory definitions. Another condition not present in the Illinois definition, whose presence or absence has not been noted below, is "lack of open space."

Illinois:

67½ Ill. Rev. Stat. 1961 §65 (j)

Term: Slum and blighted area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors

Requirement that area be conducive to Ill Health, etc.: No such provision
(is or are)

Detrimental to Public Health, Safety, etc.: Are detrimental to the public safety, health, morals or welfare

Alabama:

Ala. Code (Michie 1958), Title 25, Ch. 10, §97(1)

Term: Blighted area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: No such provision
(is or are)

Detrimental to Public Health, Safety, etc.: Follows Illinois definition

Arizona:

Ariz. Rev. Stat. 1956, §1471(18)

Term: Slum area
(means any area . . where)

Amount of Buildings: Majority of structures must be residential or area is one where predominance of buildings
(by reason of)

Condition of Buildings: Substantially quivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime,
(is or are)

Detrimental to Public Health Safety, etc.: *and is* detrimental, etc.

Arkansas:

Ark. Stat. (1961 Supp.) §19-7057(1)

Term: Blighted area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health etc.,: No such provision

Detrimental to Public Health, Safety, etc.: *are* detrimental, etc.

California:

Calif. Code Ann., Health & Safety Code, §33041

Term: Blighted area
(means any area . . . where)

Amount of Buildings: Area is "characterized by buildings which are conducive to disease"
(by reason of)

Condition of Buildings: Because of defective design, faulty interior arrangements,

Requirement that area be Conducive to Ill Health, etc.: See Amount of Buildings
(is or are)

Detrimental to Public Health, Safety, etc.: No such provision

Colorado:

Col. Rev. Stat. 1960 Supp., §139-62-3

Term: Slum area
(means any area . . . where)

Amount of Buildings: Predominance of buildings or improvements
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and* detrimental to the public safety, etc.

Delaware:

Del. Code Ann., Title 31, §4501

Term: Slum area
(means any area . . . where)

Amount of Buildings: A predominance of buildings or improvements which
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Lead to disease, etc.
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, etc.

Georgia:

Ga. Code Ann., Ch. 69, §69-1119(h)

Term: Slum area
(means any area . . . where)

Amount of Buildings: A predominance of buildings or improvements
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, safety, etc.

Iowa:

Iowa Code Ann. 1962 Supp. §403.17(8)

Term: Slum area
(means any area . . . where)

Amount of Buildings: A predominance of buildings or improvements
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *or* detrimental to the public health, safety, etc.

Kansas:

Stat. Art. 47 § 174760(h)
(means any area . . . where)

Amount of Buildings: Substantial
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Conducive to Ill Health, etc.: Substantially equivalent to Arizona

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public safety, etc.

Maine:

Maine Rev. Stat. 1961, Cum. Supp., Ch. 90B, §20

Term:
(means any area . . . where)

Amount of Buildings: Predominance of buildings
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois
Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)
Detrimental to Public Health, Safety, etc.: *and is* detrimental, etc.

Maryland:
Md. Const., Art. III, §61
Term: Slum area
(means any area . . . where)
Amount of Buildings: Where dwellings predominate which
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois. Dilapidation and obsolescence not included in definition. "Depreciation" is
Requirement that area be Conducive to Ill Health, etc.: No such provision
(is or are)
Detrimental to Public Health, Safety, etc.: *Are* detrimental to the public health, etc.

Massachusetts:
Mass. Ann. Laws 1957, Ch. 121A, §26J
Term: Sub-standard area
(means any area . . . where)
Amount of Buildings: No amount or proportion stated
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois
Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)
Detrimental to Public Health, Safety, etc.: *Are* detrimental to the public health, etc.

Minnesota:

Minn. Stat. Ann. §462.421(11)

Term: Blighted area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated

Condition of Buildings: Substantially equivalent to Illinois

Conducive to Ill Health, etc.: No such provision

Detrimental to Public Health, Safety, etc.: *Are* detrimental to the public health, etc.

Mississippi:

Miss. Code Ann. 1961 Supp. §7342-18(h)

Term: Slum area
(means any area . . . where)

Amount of Buildings: Predominance of buildings which
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, etc.

Missouri:

Mo. Stat. Ann. (Vernon), §99.320(10)

Term: Unsanitary area
(means any area . . . where)

Amount of Buildings: Predominance of buildings
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and* detrimental to the public health, etc.

Nebraska:

Neb. Rev. Stat. 1961, Cum. Supp., §19-2603

Term: Sub-standard area
(means any area . . . where)

Amount of Buildings: Predominance of buildings
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, etc.

Nevada:

Nev. Rev. Stat. 1961, §279.190

Term: Slum area
(means any area . . . where)

Amount of Buildings: A predominance of buildings or improvements
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public safety, etc.

New Hampshire:

N. H. Rev. Stat. §205:2

Term: Blighted area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: No such provision
(is or are)
Detrimental to Public Health, Safety, etc.: *are* detrimental to the public health, etc.

New Mexico:

N. M. Art. 49, Ch. 14, § 14-49-2(h)
Term: Slum area
(means any area . . . where)
Amount of Buildings: Predominance of buildings which
(by reason of)
Condition of Buildings: Dilapidation . . . or open spaces
Requirement that area be Conducive to Ill Health, etc.: Conducive to ill health
(is or are)
Detrimental to Public Health, Safety, etc.: *is* detrimental to public health, safety, etc.

North Carolina:

N. C. Gen. Stat. (Michie 1952), §160-456(q)
Term: Blighted area
(means any area . . . where)
Amount of Buildings: There is a predominance of buildings and which
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois, but phrase "substantially impairs sound growth of community" is included. Two-thirds of the buildings in the area must contribute to the conditions.
Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)
Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, etc.

North Dakota:

N. D. Century Code, §40-58-19

Term: Slum
(means any area . . . where)

Amount of Buildings: Predominance of buildings which
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental, etc.

Oregon:

Ore. Rev. Stat. 1953, §457-101(1)

Term: Blighted areas
(means any area . . . where)

Amount of Buildings: With buildings
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: No such provision
(is or are)

Detrimental to Public Health, Safety, etc.: *Are* detrimental, etc.

Rhode Island

R. I. Gen. Laws 1961, §45-31-8(2)

Term: Slum blighted area
(means any area . . . where)

Amount of Buildings:
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and* constitutes a menace to public health, safety, etc.

South Dakota:

S. D. Code (1960 Supp.) §45.3602(10)(a)

Term: Slum area
(means any area . . . where)

Amount of Buildings: Predominance of buildings which
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and are* detrimental to the public health, etc.

Tennessee:

Tenn. Code Ann., §13-813

Term: Blighted area
(means any area . . . where)

Amount of Buildings: Improved areas which
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: No such provision
(is or are)

Detrimental to Public Health, Safety, etc.: *are* detrimental to the safety, health, morals or welfare of the community

Texas:

Tex. Stat. Art. 1269l-3, §4(h)

Term: Slum area
(means any area . . . where)

Amount of Buildings: Predominance of structures in a state of
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois
Requirement that area be Conducive to Ill Health, etc.: Which endangers life or property or which is conducive to ill health, etc.
(is or are)
Detrimental to Public Health, Safety, etc.: *and is* thus an area which is detrimental to the public health, etc.

Vermont:

Title 24 (Municipal and County Government) § 3201 (16)
Term: Slum area
(means any area . . . where)
Amount of Buildings: Predominance of buildings
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois
Requirement that area be Conducive to Ill Health, etc.: Substantially follows Arizona definition
(is or are)
Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, etc.

Virginia:

Va. Code 1950, §36-3(h)
Term: Slum
(means any area . . . where)
Amount of Buildings: Dwellings predominate which
(by reason of)
Condition of Buildings: Substantially equivalent to Illinois
Requirement that area be Conducive to Ill Health, etc.: No such provision
(is or are)
Detrimental to Public Health, Safety, etc.: *are* detrimental to the safety, health, etc.

West Virginia:

W. Va. Code 1961, Ch. 16, Art. 18, §1409(98)(j)

Term: Slum area
(means any area . . . where)

Amount of Buildings: Predominance of buildings
(by reason of)

Condition of Buildings: Substantially equivalent to Illinois

Requirement that area be Conducive to Ill Health, etc.: Substantially equivalent to Arizona
(is or are)

Detrimental to Public Health, Safety, etc.: *and is* detrimental to the public health, etc.

PART II

URBAN RENEWAL STATUTES ROUGHLY EQUIVALENT TO THE ILLINOIS BLIGHTED AREAS REDEVELOPMENT ACT BUT CONTAINING SIGNIFICANTLY DIFFERENT DEFINITIONS OF SLUM AND BLIGHT

Connecticut:

Conn. Gen. Stat. Ann., Title 8, § 8-125

Term: "Redevelopment Area"
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Area: Deteriorated, substandard . . . *or* detrimental to the safety, health, morals, etc.

Dist. of Columbia:

D. C. Code Ann. 1961, Title 5, § 5-702

Term: Substandard housing
(means any area . . . where)

Amount of Buildings: *Any* dwelling
(by reason of)

Condition of Buildings: Lack of sanitary conditions . . . *is* in the opinion of the Commissioners detrimental to the safety, health, morals, etc.

Kentucky:

Ky. Rev. Stat. 1962, Ch. 99 § 010

Term: Area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Substandard or unsanitary

Michigan:

Mich. Stat. Ann., Ch. 54, § 5.3012

Term: *None*
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Housing conditions which . . . *are* detrimental to the public peace, health, safety, etc.

Montana:

Mont. Rev. Codes, 1961 Supp., Title 11, Ch. 39, § 11-3901 (b)

Term: Blighted area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)

Condition of Buildings: Physical dilapidation, etc.: Conducive to ill health or arrest sound growth *and/or is* detrimental to the public health.

New York:

Art. 15, Gen. Mun. Law, McKinley's Cons. Laws, § 502

Term: Substandard or insanitary area
(means any area . . . where)

Amount of Buildings: No amount or proportion stated
(by reason of)
Condition of Buildings: Slum, blighted, deteriorated or deteriorating area

Oklahoma:

Okla. Stat. Ann. 1959, Title 11, § 1603(g) (For cities over 100,000)
Term: Blighted area
(means any area . . . where)
Amount of Buildings: No amount or proportion stated
(by reason of)
Condition of Buildings: Physical and economic condition is conducive to ill health, etc., *is* detrimental, etc.

Washington:

Ch. 35 (Cities and Towns) § 35.81.010(2)
Term: Blighted area
(means any area . . . where)
Amount of Buildings: No amount or proportion stated
(by reason of)
Condition of Buildings: Substantially physically dilapidated is conducive to ill health, etc., sound growth, or constitutes an economic or social liability *and/or* is detrimental, or constitutes a menace, to public health, etc.

Wisconsin:

Wis. Stat. Ann. 1957, Title 8, § 66.431(4)(e)

Term: Blighted area
(means any area . . . where)

Amount of Buildings: Predominance of buildings
(by reason of)

Condition of Buildings: Conditions endangering life is conducive to ill health, etc. *and is* detrimental to the public health, etc.

PART III

URBAN RENEWAL STATUTES DISSIMILAR TO THE ILLINOIS BLIGHTED AREAS REDEVELOPMENT ACT

Hawaii:

Hawaii Revised Laws, Ch. 143, § 143.2.

Term: "Blighted Area"

Standard: "Social or economic liability"

Indiana:

Ind. Stats. Ann. Ch. 48, § 48-8503(a).

Term: "Blighted Area"

Standard: "Under current conditions has become undesirable or impossible of normal development and occupancy."

New Jersey:

N. J. Stats. Ann. Title 55, Ch. 14E, § 55:14E:21.

Term: "Blighted Area"

Standard: by reason of one of the following conditions is "an economic or social liability:

(a) Physical conditions.

(b) In manufacturing and industrial districts extreme disrepair.

(c) Unimproved vacant land.

Ohio:

Provisions are contained in Ohio Const. Art. 18 Section 3

Pennsylvania:

Pa. Stats. Ann. Title 35, § 1702(a).

Term: "Redevelopment Area"

Standard: "economically or socially undesirable planned uses."

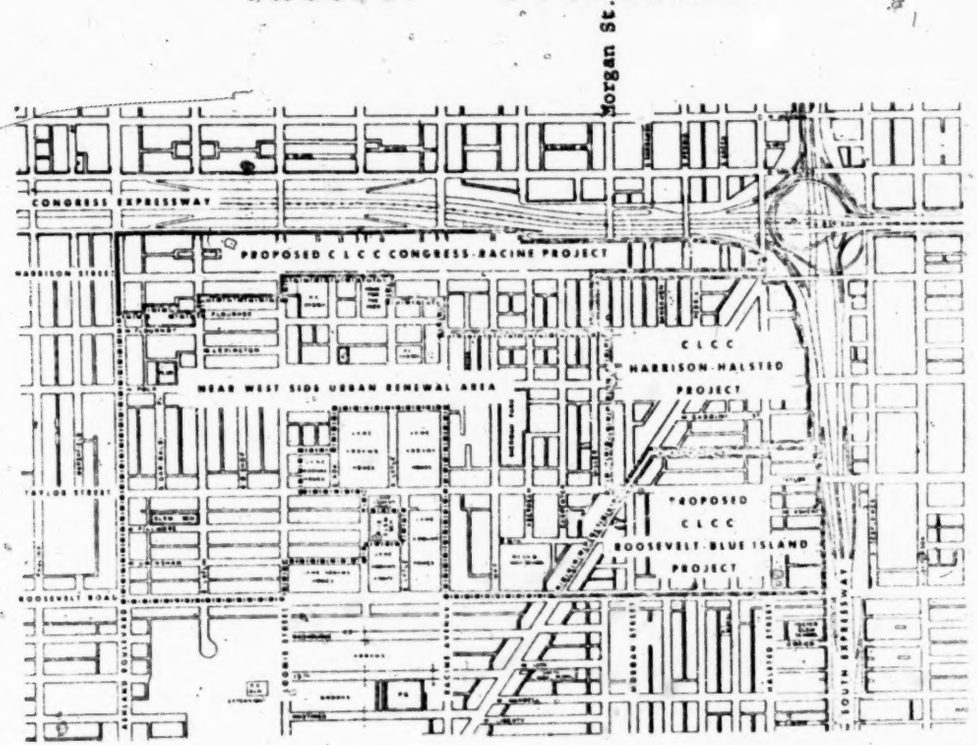
PART IV

STATES WITHOUT GENERAL STATE-WIDE URBAN RENEWAL STATUTES

1. Alaska
2. Florida
3. Idaho
4. Louisiana
5. South Carolina
6. Utah
7. Wyoming

APPENDIX K.

PROJECT BOUNDARIES



	GROSS AREA	NET AREA
ROOSEVELT-BLUE ISLAND PROJECT	48.7	31.0
HARRISON-HALSTED PROJECT	55.5	35.3
CONGRESS-RACINE PROJECT	59.4	40.9
TOTAL	163.6 ACRES	107.3 ACRES

PREPARED BY DEPARTMENT OF CITY PLANNING
APRIL, 1961

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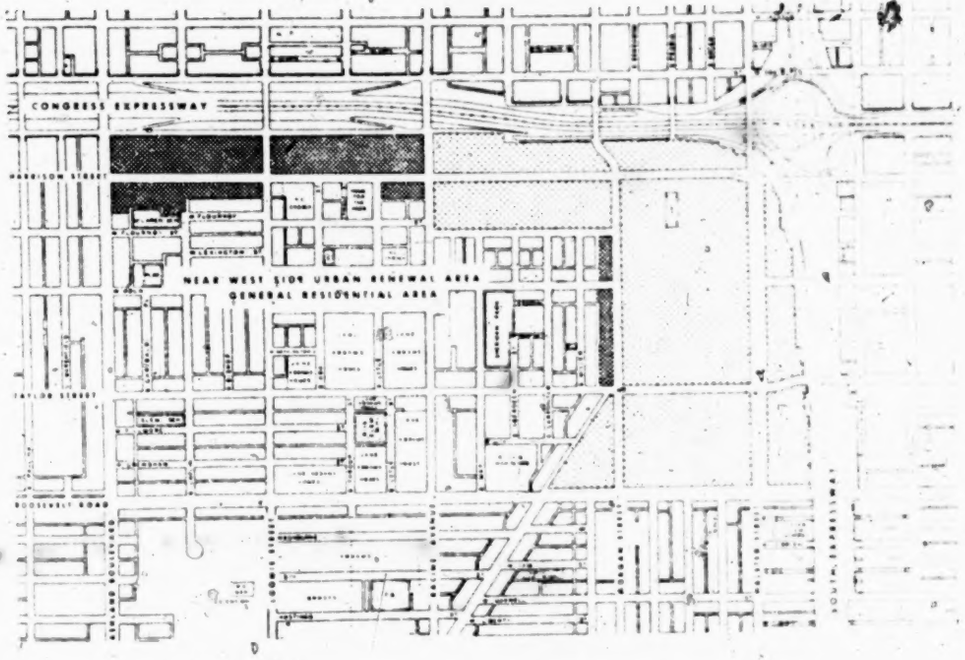
APPENDIX L.

PROPOSED REDEVELOPMENT



	CHICAGO CAMPUS UNIVERSITY OF ILLINOIS	105.8
	NEW RESIDENTIAL	27.1
	EXISTING USE TO REMAIN	0.7
	STREETS	30.0
	TOTAL	163.6 ACRES

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